The Solicitors' Journal.

LONDON, OCTOBER 20, 1883.

CURRENT TOPICS.

We are informed that Mr. Justice Field, who, in the absence of Mr. Justice Smith on circuit, would be the judge in chambers at the beginning of next sittings, has consented to an arrangement, approved by the Lord Chancellor and the Lord Chief Justice, by which (Mr. Justice Hawkins going circuit in his place) he will undertake the first sittings at chambers under the Rules of the Supreme Court, 1883, commencing on the 24th of this month, and will continue to act throughout both Mr. Justice Smith's term and his own, which would follow in the regular course. The advantage of the uninterrupted attendance for a considerable period of one and the same judge, especially of one so eminent and experienced, will be universally recognized. Mr. Baron Pollock, it is believed, will be prepared to give any additional assistance which may be required during that time.

The meeting of the Incorporated Law Society at Bath must be pronounced one of the most successful meetings of the society. Most of the papers were of a practical nature, and were written by men whose opinions are entitled to high respect. The discussions upon them were exceptionally instructive and interesting, and one of the best characteristics of the meeting was that the discussion was general. Members, representing solicitors in all districts of the country, rose from every part of the room to take part in the debate. This is as it should be, and if future provincial meetings are conducted with the same ability and spirit as the Bath meeting, the benefit derived from the free interchange of views will be very great. May we not hope that in course of time the discussions at the London meetings will partake more of the character of the Bath discussions? Why are the excellent lawyers and accomplished men of business who attend the meetings at the Law Institution so reluctant to let their voices be heard except in an occasional impatient howl?

The President is to be congratulated on his success in the difficult task of constructing an address which was fresh, interesting, and full of practical value. His remarks on the relations between solicitors and auctioneers accord with the views which have been expressed in these columns ever since the Remuneration Order came into force. "The Order," he said, "practically invited the solicitor to invade the province and annex the profits of another profession, for which neither his education nor his experience has hitherto adapted him. . . . It is argued that the [Liverpool] system has worked well in the North country, and that its adoption generally would enable our profession to secure both branches of the remuneration contemplated by the scale. Possibly this may be so to a limited extent; but I still venture to doubt whether, looking to the duties which an auctioneer in London and elsewhere, other than where the Liverpool system prevails, is called on to perform, as incidental to his character of auctioneer—such as those of surveying, valuing, and lotting, and keeping registers of property—it will be for the benefit either of the public or ourselves that the responsibility for these duties should be undertaken by solicitors." We think it probable that by means of the provisions of rule 4 of the order as to auctioneers' or valuers' charges, and by the gradual pressure of competition, a *modus vivendi* will be ultimately established between London solicitors and auctioneers, which, while not involving encroachment by the solicitor on the province of the auctioneer, will enable satisfactory remuneration to be obtained by both solicitor and auctioneer; and so far we differ from the president's view, that "in London, probably, we shall hardly ever be able so to work as to entitle us to the conducting fee." Upon the alteration effected by the new Rules of Court in the scale of costs for contentious business the president pointed out very forcibly the mistake which the Rule Committee have fallen into. "The learned judges who framed the new rules," he said, "appeared to have shared the common prejudice (for it is no better than a prejudice) that the costs of litigation are largely influenced by the scale upon which such items as affect the solicitor's remuneration are allowed. Whether a solicitor is to be paid 13s. 4d. or 6s. 8d. for certain necessary attendances does not materially affect the expense of an ordinary action, the total of the costs in which is principally made up of disbursements over which the solicitor has but little control, such as court fees, counsel, witnesses, and the costs, often serious in amount, arising from delays occasioned by the courts themselves." To a practical eye the only effectual way to lessen expense is obviously to diminish the amount of work to be done, not to lessen the remuneration for work which must necessarily be done, and we fancy that the suitor will find very little advantage indeed from the diligent care with which the Rule Committee have pruned off the shillings.

Mr. Lewis Morris's complaint in the *Times* has revived the question of the exclusive right to the title of a book, a question which it happens has been settled by the Court of Appeal in the case of *Dicks* v. *Yates* (L. R. 18 Ch. D. 76), in which the late Lord Justice James laid it down that there cannot, in general, be any copyright in the title or name of a book. Prior to this case the court had, in two instances, at least, allowed this claim. In *Mack* v. *Petter* (20 W. R. 964) Lord Romilly restrained the defendants, the well-known firm of Cassell, Petter, & Galpin, from publishing the "Children's Birthday Text-Book" at the suit of the plaintiffs, who were the publishers of the "Birthday Scripture Text-Book." In *Weldon* v. *Dicks* (27 W. R. 639) Vice-Chancellor Malins restrained the defendants from using the title "Trial and Triumph," the plaintiff having previously published a book with the same name, on the broad principle that the title of a book was a material part of the book, and entitled to the same protection as the book itself. The view of Vice-Chancellor Malins was upheld by Vice-Chancellor Bacon in *Dicks* v. *Yates* (29 W. R. 135), not only on the ground of authority, but as being obviously the correct view. On appeal, however, the late Master of the Rolls, Lord Justice James, and Lord Justice Lush were unanimous in reversing the Vice-Chancellor's decision. It is practically impossible to distinguish the two cases. In *Dicks* v. *Yates* an attempt was made to restrain Miss Braddon from using the title of "Splendid Misery," on the ground that there was a book already in existence bearing that name. The view which seemed so obvious to Vice-Chancellor Bacon met with but scant sympathy in the Court of Appeal, where it was laid down that "to be the subject of copyright the matter must be original. It must be the composition of the author, something which has grown up in his mind, the product of something which, if applied to patent rights, would be called invention. Nothing short of that would entitle a man to copyright." And the court further considered that the combination "Splendid Misery" was by no means original; and, indeed, it is hard to see what combination of words can be held to be original under this ruling, unless developed to such an extent as to form almost a sentence in itself. No popular phrase, no proverb, can thus give exclusive name to any one book. It must be observed, however, that there must be no attempt to sell the later work as the same book as the former. Mr. Lewis Morris and other authors may therefore take heart. Henceforth there can be no impediment to giving any title to a book that the author may think fit, and thus the greater part of the difficulties of authorship, according to Mr. Morris, will fall to the ground. No

one need dread the literary dog in the manger who has registered a name he does not intend to use. And Mr. MORRIS may find in the lightening of his future literary labours some consolation for his spoilt proof-sheets.

THE NEW PATENTS ACT continues to excite considerable interest. The Balloon Society have been listening to a lecture on the subject, and the *Times* publishes a letter from Mr. S. V. NEWTON, of the Patent Office, with reference to Mr. J. J. ASTON's communication on which we commented lately. Mr. NEWTON's opinion on the points raised by Mr. ASTON's letter appears to be very free from hesitation, and we note with satisfaction that his opinion accords with our own with respect to the main point raised by Mr. ASTON—viz., whether a patent granted after the Act will be open to objection on the ground of insufficiency of specification. Mr. NEWTON relies mainly, as we did, on section 26, sub-section 3. He points out the impossibility of admitting that the recital of the specification in the new form of patent makes its sufficiency indisputable, and he makes a good point by inquiring, "If the specification, when once approved of by the office, were invulnerable, what would be the use of that part of the Act which refers to disclaimers, corrections, and explanation?" Mr. NEWTON does not refer to the question raised by Mr. ASTON, whether a patent granted after the Act upon a previous application is to be granted upon the old or new conditions; but we infer from the expressions of which he makes use that he would take the view that such a patent must necessarily be granted upon the new conditions. As to the fees payable in respect of such a patent, Mr. NEWTON considers that up to grant the old fees are payable—viz., £25—but that after grant the further fees, amounting in all to £150, will be payable in the mode pointed out by the new Act. The chairman at the meeting of the Balloon Society seems to have considered the Act so faulty that its immediate amendment would be necessary, but the general feeling of the meeting appears to have been that while the measure is open to improvement in respect of a further reduction of fees and some other points, it is still a great advance upon the old law, which was not unfairly described as a bar to inventions. This is, we think, the opinion almost universally held, and while improvements in the Act are no no doubt possible—above all the institution of a board of competent commissioners—those who think that there are no thanks due for the passing of the Act must be very few indeed.

BEHIND THE CHARIOT of Lord COLERIDGE during a portion of his triumphal progress there appears to have been seated—a humorous and acute editor, who has given to the American legal public his impressions of the general nature of the "fixings up." The record, so far as regards the characteristics of the eminent guest, is, like everything else we have read of the reception the Lord Chief Justice has met with at the hands of the American lawyers, most kindly and generous, but the description of the incidents of the tour are quaint in a high degree. Utica, we learn, was remarkable for the number of judges, ex-judges, "and lawyers who want to be judges," who attended the receptions; also for the absence of "our old friend Fish, of Montgomery," and the presence of "the most magnificent salmon at the supper table that I ever stuck a fork into"; at Rochester and Buffalo Mr. GILBERT COLERIDGE, who, it appears, is an accomplished tennis player, was "sent to grass nearly all the time by the young ladies"; and in a private steam yacht on the Niagara River Lord COLERIDGE "made little speeches in his best manner." All this is very pleasant to read, but we are compelled to ask why, at the end of the narrative, we should find the remark that Lord COLERIDGE "has been feasted on ground where a little more than a century ago the Indians were taking scalps?" What possible connection of ideas can have led the writer to consider the unhappy lot of persons who, having been operated upon by the Indians, must have been somewhat lacking in hirsute adornments?

On Thursday a stained glass window, in memory of the late Mr. J. M. Herbert, for thirty-five years county court judge (Circuit No. 14), was unveiled at Goodrich church. The window was provided by public subscription.

DUTY NOT TO BE NEGLIGENT: TOWARDS WHOM AND UNDER WHAT CIRCUMSTANCES IT ARISES.

WE ventured to take exception in a previous article to some of the observations made by the judges of the Queen's Bench Division in deciding the case of *Heaven* v. *Pender* (L. R. 9 Q. B. D. 302). In particular we contended that there was a great deal more to be said for the doctrine enunciated by Cleasby, B., in *George* v. *Skivington* (L. R. 5 Exch. 1) than the judges of the Queen's Bench Division were willing to allow. The decision of the court below in *Heaven* v. *Pender* has been overruled by the Court of Appeal. It will be remembered that the facts of that case were briefly these. The defendant, a dockowner, supplied and put up a staging outside a ship in his dock under a contract with the owner of the ship. The plaintiff was a workman employed by a ship painter who had contracted with the shipowner to paint the ship. The plaintiff, while using the staging for the purpose of painting the ship, was injured through a defect in one of the ropes by which it was slung. The defendant or—what comes to the same thing—his servants had not used reasonable care with regard to the state of the ropes when the staging was put up. The Court of Appeal held the defendant liable. The judgments delivered by the judges of the Court of Appeal though they arrive at the same conclusion, are not altogether in unison as to the reasoning upon which such conclusion ought to depend. Brett, M.R., lays down a very wide general principle with regard to the law of negligence under which he brings the circumstances of the particular case. Cotton and Bowen, L.JJ., shrink from enunciating such a sweeping proposition, and bring the case within a much narrower and less ambitious generalization by the familiar doctrine of invitation. Brett, M.R., lays it down that, "whenever one person is by circumstances placed in such a position with regard to another that every one of ordinary sense, who did think, would at once recognize that, if he did not use ordinary care and skill in his own conduct with regard to those circumstances, he would cause danger of injury to the person or property of the other, a duty arises to use ordinary care and skill to avoid such danger;" and applying this proposition the learned Master of the Rolls arrived at the conclusion that the dockowner was liable. The other judges hold that, "when ships were received into the dock for repair, and provided with stages for the work on the ships which was to be executed there, all those who came to the vessels for the purpose of painting and otherwise repairing them were there for business, in which the dockowner was interested, and must be considered as invited by the dockowner to use the dock, and all appliances provided by the dockowner as incident to the use of the dock, and to such persons the dockowner was under an obligation to use reasonable care that such appliances were in a fit state to be used."

With all respect to the very able and learned judges constituting the majority, we do not think that their judgment is a very satisfactory one. It appears to us to be somewhat weak and inconclusive. We recognize the great difficulty there is in laying down, in a general proposition, the exact limits of the obligation to use diligence with regard to the persons towards whom, and the conditions under which, such obligation arises, and it may be that it is safer that judge-made law should creep along step by step "from precedent to precedent," than that it should take daring strides. There is, however, a peculiar danger involved in this mode of progression—viz., that facts are often, to some extent, distorted in order to make them fit into the groove of an existing precedent, a distortion which may in the end be very mischievous in its effects upon the law. No person who casts his eye back upon the history of our law in bygone times can fail to call to mind numerous examples of what we mean. It is a prominent defect, perhaps necessarily incidental to a system of judge-made law, that it should prefer stretching an old formula to framing a new one. It is true that if one person does really invite another on to his premises, that may be a reasonable ground for saying that a duty arises to use diligence that there is nothing on the premises which may be dangerous to the party invited without any default on his part. A trap must not be laid for him. It is also clear that there may be an implied invitation as well as an express one. These are doctrines well known to the law, and

applied in certain well-known cases. By bringing the case of *Heaven* v. *Pender* within the doctrine of invitation, of course, any dangerous extension of the law of negligence is avoided. But then it must be remembered that the legitimacy of this mode of solving the question depends on whether *Heaven* v. *Pender* is really in its essence a case of invitation. Although it is quite clear that the facts of the case raised a much broader issue, and one which it is of great importance to have settled, yet, if there really can be said to have been an invitation, perhaps the safest course, and that most in accordance with the tradition of English law, was to avoid expressing any opinion on the broader question until some case might occur in which it should be necessary to decide it; but if, in reality, there was nothing that constituted an invitation, then the distortion of the facts practised in order to squeeze them into the existing groove must be a pregnant source of mischief when the decision comes to be applied subsequently as a precedent. Now, it seems to us essential to the applicability of the doctrine of invitation to the case of *Heaven* v. *Pender* that the plaintiff should have known that the staging was supplied by the dockowner, and that he should—or, at any rate, might—have gone on to it, acting on the faith of its being so supplied. It does not appear, so far as we can make out from the facts stated, that the plaintiff knew or cared who supplied the staging. In our opinion, the objection to this doctrine of invitation, as applied in many cases where the invitation is implied, is that the supposed invitation may be an artificial forensic inference, not a reality. We object to law which depends on such artificialities. We do not dispute that an invitation might create a duty, but we deny that an invitation can legitimately be relied on as the basis of a duty when there is no reason to think that really and truly there was any invitation at all, so far as concerns the mind of the supposed invitee. The word "invitation," as used in this connection, is dangerously ambiguous. It may mean an authorization or licence given by the supposed inviter which prevents the entry upon premises or use of a chattel by the person injured being a trespass, but which is no invitation in the sense that such person enters on the land or uses the chattel because the supposed inviter has asked him, or on the strength of such asking. We are disposed to think that the substantial question in *Heaven* v. *Pender* is quite independent of invitation at all, and, though it is possible there was an invitation, the probability is there was nothing of the sort in any really legitimate sense of the term.

It seems to us that, though, no doubt, an invitation may be made the basis of a duty, in reality many of the class of cases that may be called "invitation" cases are included in a larger class and ought to be decided on broader grounds, and that, otherwise, great absurdity may be produced. Let us endeavour to illustrate our meaning by a hypothetical case. Suppose, for instance, that a man goes to a chemist's and says he wants some cough lozenges for his little boy. We are purposely avoiding anything that might amount to medical treatment on the part of the chemist, which might give rise to different considerations. He is supplied, through the chemist's carelessness, with lozenges that are noxious, either from containing some wholly improper ingredient, or an improper quantity of some dangerous ingredient. If the lozenges were given to the boy it might, perhaps, be said by some ingenious lawyer that the chemist had, through the father, invited the boy to take them; though, in point of fact, if they were nasty, very likely so far from taking them on the strength of the chemist's invitation, the boy was only induced to take them because his father said he should thrash him if he did not. But suppose the father, on getting home, finding that his little girl also had a cough, gave her some of the lozenges. How, in any reasonable sense of the term, can it be said there was an invitation in the second case? and yet, could the force of absurdity go further than that in one case there should be a right of action for injuries occasioned to the child and in the other none? If the child died in either of the cases supposed, surely the chemist would, if guilty of gross negligence, be responsible criminally? If so, there must be a breach of duty. Why should he not, then, be responsible civilly? There are, we suppose, intellects to whom the idea that the chemist impliedly invited the girl to take the cough lozenges as well as the boy would commend itself as a solution of the problem. We must say that, to our mind, this doctrine of invitation, as regards many of the cases to which it may be applied is obviously too narrow; the true solution must be found in some wider doctrine.

The Master of the Rolls endeavours to propound this wider doctrine; but, though we have great sympathy with his object, we doubt whether he has been successful in arriving at a correct expression of the principle governing these cases. His canon seems to us too wide. It is obvious to any one who considers the law of torts that it must be coincident to a great extent with the law of moral obligation. The golden rule not only summarizes the highest ethical principles, but it also correctly indicates the basis of expediency upon which positive law rests. Why is it made by law my duty not to recklessly drive my carriage or steer my ship against the carriage or ship of another? Surely this law comes to exist because the individuals constituting the community do not wish to have their carriages and ships damaged by collision. But the field of law cannot coincide entirely with the field of moral obligation, and the essence of the science of the lawgiver is, perhaps, to enforce moral obligation. It seems to us that the Master of the Rolls from the strong appreciation of the substantial identity of the basis of law and morals in these cases which he evinces in his judgment, has been led to frame a dangerously wide definition. In fact, we doubt whether he himself would apply it according to the full meaning of the words strictly taken. A man cannot be always bound by law to use skill or care whenever he is placed by circumstances in such a position towards another that every one of ordinary sense, who did think, would at once recognize that if he did not use ordinary skill or care in his own conduct with regard to those circumstances, he would cause danger of injury to the person or property of the other. It is certainly possible to conceive of cases that would fall within the terms of the proposition in which it would not be true. Suppose I am a landowner and cause to be pulled down and re-erected by workmen employed on my estate a private foot-bridge over a brook on my land. Assume that it is so improperly re-erected as to be unsound and unfit to support the weight of passengers, and that I have superintended the construction myself and the defect is the result of my want of skill or care. Suppose I know perfectly well that certain poachers are in the habit of using that bridge during their nocturnal pursuit of game. It seems that, taking the *ipsissima verba* of the learned Master of the Rolls, I have a duty in constructing the bridge to use ordinary care and skill to avoid danger to the person or property of the poachers through defects in the bridge. We have instanced poachers because we do not see anything in the definition to exclude a duty to them; but as they are *ex hypothesi* engaged in committing a crime, it may be said that they are impliedly excluded from the protection of the law. But it seems to us that the same impossibility of applying the definition would arise in the case of mere trespassers who are known to be in the habit of using the bridge, and who are not interfered with though they are not in any way authorized or licensed. The doctrine laid down by the Master of the Rolls somewhat more concisely and popularly expressed, seems to be that whenever a person knows, or ought to know, that the absence of ordinary care or skill on his part may lead to damage to another's person or property, he is bound towards such other person to use ordinary care or skill. Surely such a doctrine will not hold water when put forward as universally applicable and apart from the particular case. It seems to us that while the judgment of Cotton and Bowen, L.JJ., was too narrow, and rested the decision on an artificial inference hardly justified by the facts, the proposition of Brett, M.R., is as much too broad. Practically speaking, however, by the way in which he applies it to the particular case, its too great generality is corrected, and his judgment, as a whole, has the merit of facing a problem which the other Lords Justices avoid. The real question seems to us to be what are the limits of the responsibility of a person supplying an article for a certain purpose with regard to the persons to whom, and the nature of the acts or omissions for which, he is responsible in respect of the article so supplied. Brett, M.R., seems to have tried to express in one proposition all the conditions which may create a duty not to be negligent. We are disposed to think that many propositions would be necessary, even with regard to the more limited subject we have indicated.

On Monday last the new Palace of Justice at Brussels was opened by the King. It is stated to have cost 45,000,000 francs, and it covers 26,000 square mètres. Deputations from the bars of nearly all European countries were at Brussels; but at the opening of the new palace Mr. Alfred Cock was the only member of the English bar present.

PARLIAMENTARY ELECTIONS UNDER THE NEW ACT.

IV.

We traced last week the steps to be taken by the candidate and his election agent up to the day of polling. We have now to consider the *provisions for polling*. It is obviously just that when the opportunities for conveying voters to the poll are so severely restricted, the polling booths should be brought nearer to the voter. Accordingly by section 47 (1) the provision of the Ballot Act as to polling places is altered so as to require that every elector resident in the county shall have his polling place within not exceeding *three* miles (instead of four miles) from his residence; and by sub-section (3) of the same section the local authority of a borough (other than the five boroughs which are throughout the Act treated as counties) are now *required* to divide the borough into polling districts, so that every elector resident in the borough shall be enabled to poll within a distance not exceeding one mile from his residence, so nevertheless that a polling district need not be constituted containing less than three hundred electors.

We come now to *the duties of the election agent after the election*. His first duty will be to receive and consider the claims in respect of election expenses. These (except the returning officer's charges section 32 (2)) are required by section 29 to be sent in to the election agent within fourteen days after the day on which the candidates returned are declared elected, and any claim not sent in to the election agent within that time is not to be paid without the leave of the High Court (sub-section 9). The election agent has twenty-eight days from the day on which the candidates returned are declared elected within which to pay the claims sent in during the fourteen days (sub-section 5). If the election agent in the case of any claim sent in to him within that time disputes it, or refuses or fails to pay it within the twenty-eight days, such claim becomes "a disputed claim," and cannot be paid until after either judgment has been given for it by a competent court (sub-section 8) or leave to pay it has been obtained from the High Court (sub-section 9). If an action is brought to recover a disputed claim, and the defendant admits his liability, but disputes the amount of the claim, the amount is, unless the court, on the application of the plaintiff to the action, otherwise directs, to be forthwith referred for taxation to the master, official referee, registrar, or other proper officer of the court, and the amount found due on such taxation is to be the amount to be recovered in such action in respect of such claim (section 30).

Here arises the question, what is the election agent to do as to his own claim for remuneration? Must he deliver a claim to himself within the fourteen days? Apparently this absurdity cannot be required, but it is clear that he must see that he is paid by the candidate within the twenty-eight days, or his claim will become a "disputed claim." The candidate must also send in within the fourteen days a written statement of the amount of his personal expenses paid by him (section 31 (1)). Apparently he need not give the details of these expenses, but only their aggregate amount. Any person who has been authorized in writing by the election agent to make payment to a fixed amount for stationery, &c., must also, within the fourteen days, send to the election agent a statement of the particulars of all payments made by him, with vouchers (section 31 (3)). The returning officer's charges may be sent in to the election agent within twenty-one days from the day of declaration of the poll (section 32 (2)).

The next duty of the election agent will be to forward to the returning officer the return as to election expenses, which it will be seen on reference to the form of return in schedule 2 is now required to be of the most minute and precise description. Section 33 (1) requires that it shall contain a statement—(*a.*) of all payments made by the election agent, together with all the bills and receipts; (*b.*) of the amount of personal expenses, if any, paid by the candidate; (*c.*) of the sums paid to the returning officer for his charges, or, if the amount is in dispute, of the sum claimed and the amount disputed; (*d.*) of all other disputed claims of which the election agent is aware; (*e.*) of all the unpaid claims, if any, of which the election agent is aware, in respect of which application has been or is about to be made to the High Court; and (*f.*) of all money, securities, and equivalent of money received by the election agent from the candidate or any other person for the purpose of expenses incurred or to be incurred on account of or in respect of the conduct or management of the election, with a statement of the name of every person from whom the same may have been received. And the form in the schedule requires that names and descriptions of every person to whom payments have been made, and the nature of the goods supplied and work and labour done by each, and in the case of the item for payments for "miscellaneous matters," "the reason for which" each sum was paid, shall be set out.

This return must be accompanied with a declaration made by the election agent before a justice of the peace, stating that to the best of his knowledge the return is correct, and that except as appears from the return he has not and to the best of his knowledge and belief no other person, nor any club, society, or association has on behalf of the candidate made any payment, or given, promised, or offered any reward, office, employment, or valuable consideration, or incurred any liability on account of or in respect of the conduct or management of the said election; and that he has received from the candidate ——— pounds and no more [*or* nothing] for the purpose of the said election, and that, except as specified in the return, no money, security, or equivalent for money has been paid, advanced, given, or deposited by any one to him or in his hands, or, to the best of his knowledge and belief, to or in the hands of any other person for the purpose of defraying any expenses incurred on behalf of the candidate on account of, or in respect of the conduct or management of the said election. The candidate must also, not later than seven days after the return of election expenses has been sent in, make and send to the returning officer a declaration made by him before a justice of the peace to a similar purport, and further stating that he will not, except so far as permitted by law, at any future time make or be party to the making or giving of, any payment, reward, office, employment, or valuable consideration for the purpose of defraying any election expenses, or provide or be party to the providing of any money, security, or equivalent for money for the purpose of defraying any such expenses (section 33—schedule 2).

The results of not sending in the return and declarations as required by the Act are that an illegal practice is committed which avoids the seat if the candidate has been elected, or subjects him to penalties if he is not elected. And if they are not sent in within the time provided, the candidate is not, after the expiration of such time, to sit or vote in the House of Commons until either such return and declarations have been transmitted, or until the date of the allowance of an authorized excuse for the failure to transmit the same, and if he sits or votes in contravention of this enactment he is to forfeit one hundred pounds for every day on which he so sits or votes to any person who sues for the same (section 33 (5). Section 34, however, enables the High Court or an election court to afford relief in cases of illness of the candidate, or absence, death, or illness, or misconduct of the election agent, or any clerk or officer of such agent, or inadvertence or other reasonable cause of a like nature. Knowingly making a false declaration will be perjury, and also a corrupt practice (section 33 (7)).

We come now lastly to *the new duties of the returning officer*. We have already referred to his duty under sections 24—26, to give public notice of the name, and address, and office of any election agent and sub-agent declared in writing by the candidate. This notice, under rule 46 in schedule 1 of the Ballot Act, must be by advertisement, "or such other means as the returning officer thinks best calculated to afford information to the electors." His other duty is prescribed by section 35, which modifies the provisions of section 4 of the Corrupt Practices Act, 1863. He is now required, within ten days after he receives from the election agent of a candidate a return respecting election expenses, to publish a summary of the return in not less than two newspapers circulating in the county or borough for which the election was held, accompanied by a notice of the time and place at which the return and declarations (including the accompanying documents) can be inspected. The return and declarations (including the accompanying documents) sent to the returning officer by an election agent are to be kept at the office of the returning officer or some convenient place appointed by him, and are, at all reasonable times during *two years* (instead of six months) next after they are received by the returning officer to be open to inspection by any person on payment of a fee of one shilling.

We do not propose at present to discuss the provisions of the Act so far as they relate to election petitions. Our object has simply

been to afford a practical guide to the alterations in the conduct of an election which are rendered necessary by the new legislation.

CORRESPONDENCE.

NEW RULES.—SUBSTITUTED SERVICE.

[*To the Editor of the Solicitors' Journal.*]

Sir,—Referring to your correspondent "T. P. Y.'s" letter appearng in your last issue, I venture to suggest that the rule 15 of order 9 should be taken to mean that the indorsement of the writ within three days after service means three days after the copy writ and order for substituted service is posted (*vide* form of order) to the defendant; as in any case within the jurisdiction of the High Court, under ordinary circumstances, the defendant would receive by post the documents above-mentioned in the course of the day following that on which they are posted, and this, as a matter of practice, is always assumed, and judgment allowed to be signed in cases of default of appearance on the ninth day, exclusive of the day of posting, except where such ninth day falls on a Sunday, then on the the following day, Monday.

Thus, therefore, if my view be correct, a writ indorsed within three days, inclusive of the day of posting, would be strictly regular.

Oct. 12. E. T. T.

Sir,—Allow me to suggest that the provisions of ord. 9, r. 15 are simply that if no indorsement made, the plaintiff cannot proceed "*by default.*" In cases of substituted service, the plaintiff no longer proceeds "*by default,*" as provided by ord. 13, r. 2, but under an order which enables him to sign judgment on complying with its terms. DISTRICT REGISTRAR.

Oct. 13.

TO CORRESPONDENTS.—A. M. E.—Inquiries are being made.

OBITUARY.

MR. JOHN HENRY TOLLER.

Mr. John Henry Toller, solicitor, died at Barnstaple on the 6th inst. Mr. Toller was admitted a solicitor in 1832, and he had ever since practised at Barnstaple, having been for several years in partnership with his son, Mr. William Henry Toller, who was admitted a solicitor in 1864, and is now clerk to the Barnstaple Board of Guardians. The deceased was a perpetual commissioner for Devonshire, and he had been for many years clerk of the peace for the borough of Barnstaple. He was also coroner for the Barnstaple District of Devonshire. Mr. Toller was buried at Barnstaple on the 10th inst., the mayor and many members of the corporation and of the legal profession attending the funeral.

MR. WILLIAM HUGHES.

Mr. William Hughes, of Conway and Llandudno, who was the oldest solicitor in North Wales, died at Conway on the 9th inst. Mr. Hughes was admitted a solicitor in 1832, and he had practised for nearly fifty years at Conway, having also an office at Llandudno. He held several important appointments, having been for many years registrar of the Conway County Court (Circuit No. 29), and clerk to the county magistrates, to the Commissioners of Taxes, and to the Conway Board of Guardians, and superintendent registrar for the district. He was a perpetual commissioner for Carnarvonshire and Denbighshire, and he had an extensive private practice. Mr. Hughes was for many years connected with the corporation of Conway, and he was the first mayor of the borough elected after the passing of the Municipal Corporations Act. He was buried on the 14th inst., the mayor of Conway and most of the corporation attending the funeral.

MR. FRANCIS LEEMAN.

Mr. Francis Leeman, solicitor (of the firm of Leeman, Wilkinson, & Leeman), of York and Pocklington, died at The Mount, York, on the 16th inst. Mr. Leeman was the youngest son of the late Mr. George Leeman, solicitor, many years M.P. for the city of York, and was born in 1853. He was educated at Trinity College, Cambridge, where he graduated in the third class of the law tripos in 1875. He served his articles with his father, and he was admitted a solicitor in 1880. Mr. Leeman was at the time of his death associated in partnership with his elder brother, Mr. Joseph Johnson Leeman, M.P. for York, and with Mr. Joseph Wilkinson, who is town clerk and clerk of the peace for the city. His practice was a very extensive one, his firm being solicitors to the North-Eastern Railway Company. His early death is universally lamented at York.

SOCIETIES.

INCORPORATED LAW SOCIETY.

ANNUAL PROVINCIAL MEETING.

[BY OUR OWN SPECIAL REPORTER.]

THE tenth annual provincial meeting of the society opened at the Guildhall, Bath, on Tuesday. Lord Chelmsford, Mr. Justice Day, and about 300 gentlemen were present. Mr. HANDEL COSSHAM, the Mayor, who wore his official robes, having given the society a very cordial welcome, the president, Mr. E. J. BRISTOW (London), took the chair, and having briefly responded, remarked with regret on the absence of the vice-president, Mr. C. T. Saunders, of Birmingham, who was prevented from attending by indisposition. He then delivered the opening address.

PRESIDENT'S ADDRESS.—THE REMUNERATION ORDER.

After referring to the opening of the new courts and the death of the late Master of the Rolls, he said:—Among the matters of the greatest interest to us as solicitors which have occurred during the twelve months which we have under review, are undoubtedly the changes introduced into the mode and the amount of our professional remuneration by the General Order made under the Solicitors' Remuneration Act, 1881, which came into operation on the 1st of January last, and the alterations both as to procedure and remuneration made by the new rules under the Judicature Acts, which will shortly come into force—the order under the Solicitors' Remuneration Act dealing with conveyancing and other business not of a contentious character, and the new rules having reference to contentious business, and making alterations both in the mode of conducting it and in the charges which we as solicitors are entitled to make in respect of it. Of the order under the Remuneration Act we are now able to speak after the experience of some months during which it has been in force, while, as regards the new rules of procedure, our acquaintance with the class of business to which they relate enables us to speak with some confidence as to how we shall be affected by them. Now, dealing first with the order under the Solicitors' Remuneration Act, you are most of you aware that while the principle of remuneration which it establishes is one for which our society has long contended, the scale of remuneration provided by the order for purely legal business was considered by your presidents, who were successively members of the tribunal appointed by the Act to frame the order, to be inadequate, and that Sir Thomas Paine, who was president when the order was made, declined upon that ground to sign it. An alteration in the mode of charging for conveyancing business became inevitable, in consequence of the new system of conveyancing introduced by the Conveyancing Act, 1881, and we were prepared for it. When deeds were reduced to the smallest possible limits it was no longer possible to continue the old method of charging according to length. Solicitors had as little liking for the drudgery of making out bills of costs, item by item, as clients had in perusing them, and had the scale of charges prescribed by the order been somewhat more liberal, and less complicated, there can be no doubt that the order would have been received with great satisfaction by the profession. When the preparation of an order under the Act was in contemplation, the council appointed a committee to prepare a draft order and scale for consideration, and this the committee did on the principle of a uniform scale of 10s. per cent. (except in small transactions, where the percentage was increased as to sums below a certain amount), applicable to the solicitors on both sides, in purchases and mortgages, which constitute the staple of ordinary conveyancing business. This scale also proposed to include settlements, in respect of which the same percentage on the amount settled was to be charged, except that in the case of a marriage the husband's solicitor was to receive half the rate only. The majority of the tribunal appointed to carry out the Act set aside the scale of the Incorporated Law Society, and prepared for themselves a draft order, which was in due course submitted to the council. The council proposed various modifications, and made suggestions upon the scale embodied in this draft order, which our late president, who then represented the society, was unable to get carried, and ultimately the order as prepared and approved by the other members of the tribunal was adopted, our president, as before mentioned, declining to sign it. The order approved by the majority of the tribunal, and now in force, deals with two classes of business—viz., firstly, with matters of conveyancing, such as sales, purchases, mortgages, and leases; and, secondly, with drawing and perusing deeds, wills, and other documents, and generally business not of a contentious character. I shall not take up your time by going minutely into the details of the order, with which, I may fairly assume, that every member of the profession is at least as well acquainted as myself, but there are some points of public interest connected with the changes which it may introduce which are worth our consideration. The order now in force differs mainly from that of the council, in that in respect of completed businesses, in sales, purchases, and mortgages, it provides for a much lower scale of fees for the purely legal business than that which the scale prepared by the council would have given, and excludes settlements altogether from the operation of the scale system, while it proposes to compensate for this lower scale by allowing to the solicitor a separate fee for negotiating advances on mortgages, and for negotiating sales by private contract, or conducting them by public auction. Against this system of two separate commissions, which apparently had been considered by the tribunal a sufficient justification for reducing the solicitor's remuneration for purely legal work, the council protested. They pointed out that it was only in Liverpool and a few other districts in the North of England the practice current with reference to sales and purchases would admit of the solicitor participating

in the additional fee, while apart from it the scale was inadequate to the services rendered. The circumstances under which this additional fee can be earned on sales are so restricted by rule 11 of the order that it will not be easily available, for where any commission is paid to an auctioneer or estate agent by the client, the solicitor will not be entitled to the scale commission. The order practically invites the solicitor to invade the province and annex the profits of another profession, for which neither his education nor his experience has hitherto adapted him, and which it is pretty certain that, as a rule, he cannot carry out in the interest of the client as well as those who have been specially educated for the purpose. Now this consideration of the client's interest is the point upon which the decision as to whether the scheme proposed by the order is practicable or not will turn. Will the means suggested for recouping ourselves for the inadequacy of the remuneration for our proper business be for the benefit of our clients or not? If not, we ought not to attempt to avail ourselves of it, and we may be certain that the attempt, if made, will not be generally successful. The client for certain services is to pay either the solicitor or the auctioneer, but he is not to pay both, and the question for him will be which of the two it will the better answer his purpose to employ and to pay. In Liverpool, and several other towns in the North of England, a course of business has prevailed different to that which generally exists in other parts of the country. In Liverpool, in the case of the sale of property, the solicitor does everything but actually offer the property in the sale-room, and for this he pays an auctioneer a small fee of, say, from two to ten guineas. It is argued that the system has worked well in the North country, and that its adoption generally would enable our profession to secure both branches of the remuneration contemplated by the scale. Possibly this may be so, to a limited extent, but I still venture to doubt whether, looking to the duties which an auctioneer in London and elsewhere, other than where the Liverpool system prevails, is called on to perform, as incidental to his character of auctioneer, such as those of surveying, valuing, and lotting, and keeping registers of property it will be for the benefit either of the public or ourselves that the responsibility for these duties should be undertaken by solicitors. And while saying this, I do not, of course, mean to deny that there are many simple cases constantly occurring in practice in which a solicitor could carry through a sale by auction, from first to last, just as well as an auctioneer could; but even then the solicitor can only do this by intruding upon the recognized business of another profession, and this, too, in a manner which, if it became general, would inevitably provoke reprisals. I am aware that in advocating that the practice of the professions of solicitor and auctioneer should be kept distinct, I am probably expressing views not shared by all whom I have the honour of addressing, but I think many of those who would differ from me are, perhaps, unconsciously influenced by the feeling which is very general, that the auctioneer's charges connected with sales of property are much larger than our own, and apparently carry with them much more profit than we get. As a fact this is so, and I have no doubt that one result of the agitation to which the order has given rise will be, that auctioneers will have to reduce their charges, which are, in many cases, confessedly too high. In the meantime, however, they are frequently, to say the least, engaged and paid by the client, who makes his own bargain with them independently of us, and when this is the case, I strongly dissent from the notion that it is any part of our business as solicitors to set about cutting down the profits of another profession. The difficulty in laying down any rule for general adoption arises from the difference in the practice existing in London and the home counties and that in other parts of the country, where the duties of an auctioneer are generally of a purely mechanical character. In London, probably, we shall hardly ever be able so to work as to entitle us to the conducting fee; but in the country it will be more practicable under the course of business customary there; but even there the test of the practicability of any method which will entitle the solicitor to the additional fee must be whether the ultimate cost to the client will be increased or not. The question whether the council should or could give any useful advice to the profession for general adoption in reference to these matters was very carefully considered by them, but it was felt that the differences in practice, to which I have referred as prevailing in various parts of the country, must render useless any attempt to do so. But, while as regards sales by auction it will, probably, not be practicable, at any rate for a considerable time, to adopt the suggestion made by the order, sales by private treaty stand on a different basis, and solicitors, I have no doubt, will frequently entitle themselves to the prescribed remuneration for effecting sales in this manner. And in cases of mortgages solicitors will very largely become entitled to the negotiation fee. At present our experience of the scale has been so short that it is scarcely possible to say how it will work out, taking one business with another, in an office of general practice; but while admitting that the scale for the purely legal business is low, and would unquestionably, in many cases, amount to less than the charges ordinarily made for similar work before the order came into operation, we must not forget that it provides a substantial increase in certain charges authorized under schedule 2, that there will be exceptional cases in which we may be not only entitled but able to charge the negotiation fee, and, above all, that we have at last secured the long desired acknowledgment of the principle of placing our charges upon an *ad valorem* basis.

The New Rules of Court.

And now, while we are still testing the fairness of the remuneration awarded to us in respect of conveyancing matters, we are called upon to consider the alterations in our remuneration for contentious business made by the new rules of the Supreme Court so recently published, and so soon to come into force. The great change effected by these rules as regards remuneration, except in so far as the rules incidentally affect the question of costs, by simplifying proceedings, may be stated broadly to be, the reduction of all costs to the one standard known as the lower scale. Up to this time all costs in the Chancery Division, with some few exceptions, have been allowed on what is known as the higher scale, as were also the costs in some exceptional cases on the common law side; but, put generally, it may be said that costs at common law were allowed on the lower scale, while costs in chancery were allowed on the higher. With the fusion of the courts of common law and equity, the assimilation of the costs in the two divisions became inevitable, and, notwithstanding the general complaint that the costs of contentious business on the lower scale afforded but an inadequate remuneration, it was, perhaps, too much to expect that the judges with whom the framing of the new rules rested, would commit themselves to a policy of levelling up, when one of the objects of their commission was to give effect to a desire that the costs of legal proceedings should be lessened. The learned judges who framed the new rules appear to have shared the common prejudice (for it is no better than a prejudice) that the costs of litigation are largely influenced by the scale upon which such items as affect the solicitor's remuneration are allowed. Whether a solicitor is to be paid 13s. 4d. or 6s. 8d. for certain necessary attendances does not materially affect the expense of an ordinary action, the total of the costs in which is principally made up of disbursements over which the solicitor has but little control, such as court fees, counsel, witnesses, and the costs—often serious in amount—arising from delays occasioned by the courts themselves. You are all aware that the new rules are the outcome of a report of the Legal Procedure Committee, known as Lord Coleridge's Committee, appointed by the Lord Chancellor in 1881. This report was referred to a committee of our society consisting of more than fifty members of experience, by whom the document was considered, and a very careful and valuable report prepared, containing numerous suggestions, many of which, it may be said, in passing, have been embodied in the rules. Our committee, amongst other things, referred to the question of lessening costs, and pointed out what I venture to think is the right way in which the subject should be dealt with—namely, that "the only proper, and, indeed, the only effectual way to lessen expense is to lessen the amount of work to be done, not to lessen the remuneration for work that must necessarily be done." This part of the committee's report has not been adopted, but the rules provide that in all cases solicitors are to be allowed the lower scale only, unless the court or a judge shall, "on special grounds arising out of the nature and importance or the difficulty or urgency of the case," direct the higher scale to be allowed, or it may be allowed "if the taxing officer, under directions given to him for that purpose by the court, or a judge, shall think that such allowance ought to be so made upon such special grounds as aforesaid." Theoretically, this direction as to allowing the payment of costs on the higher scale, ought to correct much of the injustice which will be occasioned by a hard and fast application of the lower scale to all actions indiscriminately, but everything will depend upon the liberality with which judges and taxing-masters exercise the discretion vested in them. The rules relating to procedure are so numerous that it is impossible to refer to them within the limits of my address other than very cursorily. They are, to a great extent, as might be expected, a reproduction of the old rules and practice, but they contain a large number of new rules materially altering the practice and procedure as hitherto existing, most of which commend themselves at once to our judgment as well calculated to carry out the object the committee had in view in reducing the expense of litigation, and in enabling substantial justice to be done between contending parties, while at the same time preventing, as far as possible, a litigant without a case from wantonly harassing his opponent. To do this, the new rules in the first place set about increasing the efficiency of the writ of summons, and proceedings which a plaintiff may take under it, with the view of bringing speedily to book a defendant who has no substantial defence, and in all cases where an action cannot be thus summarily rendered effective, the rules provide for the court obtaining, at an early stage of the litigation, control over the suit and exercising a supervision over the various steps in the proceedings. This is effected by a summons for directions, under which either party to a suit may apply for directions upon all matters and proceedings from the commencement of the action down to the trial. It will require the test of time and experience to say whether this novel proposal to transfer from the suitor to an official the right of deciding how an action shall be conducted will be found to work well, or whether, with the existing staff of masters, the additional work which this procedure will bring upon them can possibly be effectively undertaken. With regard to pleadings, the rules do not follow the recommendation of Lord Coleridge's Committee (from which our committee also dissented) that pleadings should be abolished, but adopt a sort of compromise, and while retaining pleadings provide for their being (to use the words of the rule) "as brief as the nature of the case will admit," the meaning of this being illustrated by a number of short and concise forms of pleadings in the appendix. The rules abolish demurrers in the old form in which they formerly existed, but much the same end may be obtained by the provision that any point of law may be raised on the pleadings, and may, by leave of the court or a judge, be disposed of at any time before the trial. The new rules as to admission of facts, and the amendment of the rules as to discovery and interrogatories, are all steps in the right direction. The provisions as to the admissions of facts ought to save great expense, not only in obviating the necessity for giving mere formal proofs, but in getting rid of the necessity of proving many matters which may be but the mere fringe of the case, and limiting the trial to the really serious issues in dispute. With regard to discovery and interrogatories, it was quite time that some check was put upon the extent to which these procedures had been abused. Except in actions for breach of trust or fraud, the leave of the court to interrogate must be obtained, and where discovery

is sought, the court has the power to limit it to any extent it may think fit, while in every case the first cost of discovery, whether by interrogatories or by an order for discovery, is to be borne by the party seeking it. Probably the most important change, or at any rate the one which will most strike the public, is that with respect to the mode of trial. In actions for slander, libel, false imprisonment, malicious prosecution, sedition, or breach of promise of marriage, either party may demand a jury as of right. Actions in the Chancery Division are to be tried by a judge alone, unless otherwise ordered, while the court may order the trial before a judge only of cases involving the examination of accounts or scientific inquiries, or similar matters which cannot be conveniently tried by a jury, while in all other actions, if either side desire to try with a jury, an order must be obtained. But where no application is made for a jury the prescribed mode of trial is to be by a judge alone. Already the profession has had a considerable experience in trying before a single judge what were formerly jury cases, and there can be little doubt but that the result has been so satisfactory that in the future, in the great mass of cases, the time-honoured institution of trial by jury will be the exception and not the rule. Notices of motion are substituted for rules *nisi*, and the regulations affecting motions and new trials are contained in numerous rules, and go to some extent to lessen the expenses attendant upon such proceedings. Appeals to the Court of Appeal are, however, left much where they were, but the rules relating to third-party procedure are very important, and are a great improvement upon the former rules on this head, which worked badly. The only other rules to which your time will allow of my referring are those relating to administrations and trusts. You are aware that under the old system, where perhaps only a single question of difference arose relating to the administration of an estate or trust, it was, as a general rule, necessary to administer the whole estate or trust in order to get the question decided. Now, by the new rules, anyone interested in having such a question decided or the rights of either of the parties defined may take out a summons in chambers for having the question determined. The previous system was so monstrous and gave rise to so much abuse that it seems strange that a remedy so simple has not been applied before. There is no doubt that some of the rules give powers to judges and taxing masters as to dealing with solicitors' costs, which, if acted upon hastily or without great consideration, may be made to work very injuriously and unjustly, not only to the pecuniary interests, but to the reputations of members of our profession; and there are many rules affecting procedure which will probably not stand the test of experience and have to be repealed or amended. Still, taking the rules as a whole, I believe the verdict of the legal profession will be that they represent an able and honest attempt to cope with the difficulties with which the old system was surrounded, and that the extent to which they get rid of vexatious and unnecessary procedure, simplify the modes of obtaining evidence, and render it more difficult for a defence to be kept up merely for the sake of gaining time, will be of substantial benefit both to the profession and to the public.

The Law's Delays.

I have mentioned that several of the suggestions made by the report of Lord Coleridge's Committee have been adopted by the framers of the rules; but among those which were not adopted were the abolition of the distinction between party and party and solicitor and client costs, in taxing the costs of a successful litigant, and a suggestion for the reduction in the interests of suitors of the length of the Long Vacation. The injustice of so taxing the bill of a successful litigant, that he is frequently a loser by his success, is so great, that the time must come when the views of our committee will prevail; while the outcry for more speedy justice, and the growing intolerance which the public are evincing at the law's delays, will not much longer allow of our whole system of legal machinery being practically stopped for the sixth part of the year, by way of affording an autumn vacation. But even the delay occasioned by the Long Vacation is by no means the worst evil in the nature of delays of which the suitor has to complain. The delays in getting to trial or in getting matters heard in court, or attended to in the chambers of the chief clerks or in the offices of the taxing masters, are so great as to amount in many cases to a practical denial of justice. Judges, chief clerks, and taxing masters do their best, but they have more to do than they can get through promptly. In the Chancery Division, in which the judges are fewer than in the Queen's Bench Division, and the cases generally of more importance, the evils of the delays occasioned by a pressure of business, and an insufficient judicial staff, are most felt; and these are immensely aggravated when a Chancery judge, with a full list of business before him, is suddenly called away from his proper court to preside, with doubtful success, over the trial of common law and criminal cases at assizes which may last for weeks. Much mischief and expense, too, is occasioned by the manner in which in some of the courts the lists of causes with witnesses are prepared. Witnesses have to be brought up from the country and sent backwards and forwards, time after time, as the cause they are interested in moves about in the list, according to some mysterious and highly inconvenient arrangement, while the uncertainty of the day of hearing is increased by the fact that the chancery judge, instead of being able to proceed steadily through his list, can only devote three days a week to it, and has to appropriate the other days to making progress with the list of causes without witnesses, so that many of us have had experience of cases in which the costs of witnesses thus increased have far exceeded any remuneration which the solicitor, whose bill their charges go to swell, could possibly get out of the case from the beginning to the end of it. Not only do solicitors in town complain of these delays, but Manchester and Liverpool have recently made their complaints heard, and are asking for the continuous administration of justice in their midst, and that they should no longer be compelled to resort to London or to the assizes for the trial of their important causes. With the view of breaking ground in this direction, and ventilating the subject in Parliament, a measure was introduced in the last session, the title of which was "A Bill to provide for continuous sittings of the High Court of Justice in certain populous places," and pointing especially to Liverpool and Manchester. This Bill, however, dropped through, no doubt to be introduced again, as did also another Bill for making "provision for the better local administration of justice in England," under which it was proposed to form district courts of the High Court on a plan somewhat analogous to the system adopted in France, where we find local courts with a local bar established in many of the large towns. Whether the request of Liverpool and Manchester for continuous sittings, however reasonable, is one which can be complied with under any arrangements which seem within the range of immediate possibility may be questioned; but certain it is that until we have continuous sittings for the trial of causes in London, the public and the profession will not and ought not to be satisfied.

The Bankruptcy Act.

But leaving the consideration of matters which more immediately concern ourselves, I may now call your attention to two Acts of Parliament of the greatest importance to the mercantile and manufacturing classes, which have this year been added to the Statute Book. Both of these have passed through the ordeal of Grand Committees, and the successful manner in which they have been dealt with has gone far, no doubt, to establish the position of these committees as a parliamentary institution. The Acts to which I refer are those relating to bankruptcy and to patents for inventions; and I propose first to make a few remarks on the Bankruptcy Act as the one which, having regard to the extent of the interests affected by it, may be considered as the more important. The mode of procedure under the Act of 1869 has been found to work badly almost in every particular. The practices carried on under it have been stigmatized as a disgrace and a scandal, and the public and the profession were alike urgent in calling for sweeping reforms. The object of a bankruptcy law, as stated by Mr. Chamberlain in introducing his measure to the House of Commons, should be the economical and honest distribution of a bankrupt's estate, and the improvement of the general tone of commercial morality. The former of these objects it was admitted that the existng law had failud to accomplish, and I now propose very briefly to refer to some of the principal mischiefs which the Act is designed to remedy, and the mode in which it is sought to remove them. The changes in the law introduced by the new Act are necessarily great, both in principle and in details of administration, the leading feature in the alterations made being, the taking the administration of bankrupt estates out of the almost exclusive control of the creditors, and committing it in the main to officials to be appointed by the Board of Trade. As may be expected, there have not been wanting protests against the so-called encroachments of the Board of Trade, and the increasing application of the system of Government supervision to the affairs of our everyday life; but it is undeniable in this case that creditors, even where their interests were at stake, failed to take the best care of themselves, and generally neglected to suppress or punish commercial delinquencies which were a disgrace and injurious to the whole community. Under the Act of 1861, and subsequently the Act of 1869, official control over the administration of a debtor's estate, and the investigation by the court of the conduct of the debtor, and its authority over his discharge, had been almost abandoned. It was found that the provisions of the Act of 1869 afforded, in many instances, an easy mode to the debtor of obtaining a release from his debts, of escaping all scrutiny into his past transactions, and punishment for improper conduct. Through the mode in which meetings of creditors were summoned and held, in which proxies were solicited by persons friendly to the debtor, and proofs of debts used without proper means of investigation, a majority friendly to the debtor was procured, sometimes by improper practices, many of those constituting such majority being probably friends or relatives. This majority, by voting a liquidation, with the immediate discharge of the debtor, and placing the control of the books and estate in the hands of a friendly trustee, or by passing resolutions for a composition, played into the debtor's hands, and sacrificed the rights of the minority. The question of the bankrupt's discharge being one to be decided by a majority of his creditors, offered a direct premium on the manufacture of fictitious or friendly claims; while the only provision for punishment for fraudulent conduct being at the cost of the creditors, it was seldom that they could be induced to add to their loss the expenses of a prosecution. Great and unnecessary expense, waste, and delay frequently occurred in the administration of debtors' estates in cases of liquidation, there being no official scrutiny into such administration, nor of the accounts and charges of the trustee or solicitor, and as trustees rarely gave security, the funds of the estate were often misapplied. It was only rarely that in such cases any independent creditor could be found prepared to devote the time and incur the cost of investigation or interference. No encouragement was afforded by the court to any such action on his part, and practically creditors were without remedy. These evils were much less in the case of large failures, where the creditors were of the mercantile class, and the administration of the estate was placed under the control of a trustee of experience and repute, with a competent committee of investigation; but that they existed in a gross form in many cases of liquidation and bankruptcy, and particularly with regard to small estates, is notorious. The present Act is intended to apply a remedy for these mischiefs, and it has not only revived in a different and more stringent form the official scrutiny and control which formerly existed, but presents the novel feature of the introduction of the Board of Trade as the body by which,

in conjunction with the court, these powers are to be exercised. [The President then referred to the leading provisions of the new Act, and continued]:—On the whole, whilst the objects which the Act seeks to attain are, no doubt, desirable, and all must approve the increased stringency of its provisions, and the effort made to afford a proper investigation of a debtor's affairs and conduct, it introduces a large amount of officialism into the proceedings connected with, and the management of, insolvent estates; and it may be safely predicted that if the Act is administered in any narrow spirit; if an ample number of competent and experienced persons as official receivers and other officers be not appointed, and unless a comprehensive view is taken of the mode of carrying into effect the special provisions now introduced, and the extent of the discretion to be allowed to persons intrusted with administrative powers, the beneficial administration of estates will be greatly hindered, and the machinery introduced by the Act may prove even a greater evil than the practically uncontrolled freedom allowed by the existing law.

Professional Prospects.

The President next dwelt at some length on the provisions of the Patent Act, and, after referring to the Criminal Code Bill, he said:—From the foregoing remarks, and especially those relating to the order under the Solicitors' Remuneration Act, and the new rules under the Judicature Acts, it will have been seen that the general tendency of recent legislation has been to diminish the cost of litigation and of non-contentious business, and to introduce, as regards the latter, an element of comparative certainty as to cost, by the adoption of a mode of remuneration based upon an *ad valorem* scale, a principle which, assuming the scale to be an adequate one, cannot fail to work most beneficially both for the profession and the public. Our legislators cannot be charged with any want of vigour now, however long they may have tolerated forms of procedure, and systems of remuneration, which had become unsuited to modern requirements or more advanced ways of thought and action. Now, at any rate, they must be credited with the courage of their convictions, and there are not wanting some among us who are inclined to regard with apprehension the rapid changes which are taking place in our laws and in legal procedure, accompanied, as those changes are, by an ever-decreasing scale in the rate of our professional remuneration and a constant increase in the number of those who are joining our ranks. I cannot, for myself, say that I share such apprehensions. I believe that the interests of the public and of our profession are so intimately connected, that whatever assists the cheap and speedy administration of justice or the dealings with property, is as beneficial for us as it is for our clients, and that the removal of uncertainty as to the duration of legal proceedings, and the fixing, with some degree of certainty, the cost of them, will lead to an increase of business which will amply compensate the practitioner for any diminution of profit upon individual transactions. Depend upon it that the great interest of our profession is to secure dispatch with economy, and when these are secured—when the client can feel certain that his business will be carried through without those delays for which the law has hitherto been proverbial, and at a moderate cost which can be approximately estimated beforehand—we need have no fear but that the growing wealth and enterprize of the nation will lead to an extension of business requiring the intervention of our profession which will more than counterbalance any diminution in our hitherto recognized scale of charges. My own view is that the profession will always afford, at least, a sufficient return to the really competent man; but that the effect of competition and the requirements of the age will demand in the successful solicitor something more than a mere legal education, or an acquaintance, however complete, with the principles and practice of the law. We all know that the business of a solicitor is not limited to preparing deeds, or conducting actions, or to the matters affected by the conveyancing scale, or by the fees to which he is restricted by the new rules; that he is consulted on family and business arrangements, and the thousand and one transactions which go to make up social and business life. It will be more than ever necessary, regarding the competition which he will have to encounter, that the solicitor of the future should be, not only a master of law, but a man of resource—a good man all round—and for the man who will enter our profession provided with these qualifications, or determined to acquire them, I have no fear but that he will earn his reward. I have stated in this paper my own ideas on matters about which I know there is no unanimity of opinion in the profession, and I have done this purposely to elicit the views of others. We have a considerable number of papers contributed by members of the society, all of which will be found well worthy of consideration, and many of which will probably, should time allow, afford opportunity for useful criticism and discussion. And now, in conclusion, it only remains for me to congratulate you on the large attendance at our meeting, and to thank you for the kind and courteous attention with which you have listened to an address, longer than it should have been, and which must almost necessarily have failed to be of interest to all.

On the motion of Mr. Holland Burne (Bath), seconded by Sir Thomas Paine (London), an unanimous vote of thanks was passed to the president for his address.

Next Year's Meeting.

Mr. A. Godlee (Birmingham), on behalf of the Birmingham Law Society, gave the society a very hearty welcome to that town for the next meeting, and the President promised the invitation should be considered, and he had no doubt favourably considered, by the council.

The Tendency of the Legislation of the Nineteenth Century to revert to that of the Ninth.

Mr. A. J. King (Bath) read a paper on this subject, in the course of which he said:—"The following is, with the omission of some of the parcels, the text of a Saxon lady's marriage settlement:—'There appears in this writing the agreement which Wulfric and the Archbishop made when he obtained the Archbishop's sister as his wife. It is that he promised her the land at Ealretun and at Rebbedforda for her life . . . . and he gave her the land at Eanulfintun to give and to grant to those that she chose during life, and after her death to those that were dearest to her, and he promised her fifty mances of gold and thirty men and thirty horses.' This settlement was made about the year 1000. It would be open to very little criticism, if tendered subsequently to the Married Women's Property Act, 1882. The lady gets a life interest in some land, a life interest with power of appointment over other land, and some personal estate. Before that Act the settlement would be, at all events, very imperfect, through the omission of the words 'separate use.' This settlement demonstrates clearly that, in Saxon times, married women could hold real and personal estate apart from their husbands, and that they were not excluded from the general capacity to make wills."

Observations on the New Rules of Procedure, and Suggestions for a Re-arrangement of the Circuits.

Mr. M. D. Osbaldeston, of London, read a paper thus entitled. He said: Although it is much to be regretted that the new rules of procedure have been issued without giving sufficient time to enable both branches of the legal profession to consider and make suggestions thereon, it is gratifying to find that many of the recommendations made by the Committee of the Incorporated Law Society, appointed to consider the report of the Lord Chancellor's Legal Procedure Committee, have been adopted. I submit, however, that several of the new rules in their present form will either not work or they will require considerable amendment; and I desire, therefore, to offer a few remarks upon them. First, as to the summons for directions (order 30). Unless it is intended that the summons is to be adjourned from time to time, and that, although it is to ask for all the directions mentioned in the order, you need only apply on the first attendance for a single direction, say, as to particulars, I do not see how it is possible to work it out with anything like satisfaction. My reading of the order is that you will be bound to ask in the first instance for every direction likely to become necessary; and if, by any oversight, you omit to ask for any particular direction that afterwards becomes necessary, you are to pay the costs of a subsequent application for it. As the Committee of the Incorporated Law Society point out in their report, the effect of the rule will be to deprive the suitor of the right of conducting his case as he thinks most conducive to his own interest. At present, however, this summons for directions does not appear to be compulsory. The rule only says it *may* at *any* time be taken out, and the profession will, therefore, probably hesitate before resorting to it. Though objecting generally to the order, I should like to see provision made for obtaining directions as to "the mode of trial, including proceedings in lieu of demurrer, motion for judgment, and reference." The Committee of the Incorporated Law Society passed a resolution that, "after issue joined, application should be made to a judge in chambers to settle the issues of law and fact, and for directions as to the mode of trial or other disposal of the action," and this resolution was passed with the view of doing away with the long-standing scandal of actions being taken down to trial and then referred, whereby the parties are put to the expense of double counsels' fees and payments to witnesses, &c. Now, although in the new rules there are provisions for settling issues, &c., I do not find that the parties to an action can be *compelled* to apply for directions as to the "mode of trial or other disposal of the action." I trust, therefore, the recommendation of the Committee of the Incorporated Law Society may be adopted, so as to make the summons for direction as to the mode of trial compulsory. I would next draw attention to order 31, as to discovery and inspection. It is, in my humble opinion, much too restricted. A great item in the costs of a trial at *Nisi Prius* is that of witnesses. I have found, over and over again, that interrogatories and discovery have produced admissions and documents which have rendered unnecessary the attendance of witnesses whose attendance would otherwise have been indispensable, and have prevented, in some cases, the very great expense of a commission to examine witnesses abroad. Again, I have repeatedly found interrogatories and discovery most useful in stopping litigation. The answers to interrogatories perhaps admit a fact which decides the case one way or the other; and the party affected by such answer, if properly advised, gives way, or a document turns up which stops the action. For instance, in one of the many cases which have come under my firm's notice, our client was sued by an election agent for expenses incurred in our client's candidature for a seat in Parliament. He told me he was positive he had never signed any authority to the plaintiff to act for him. I obtained discovery, and the result was that an authority, signed by the defendant, who had forgotten all about it, was disclosed. Of course he immediately, under my advice, paid the claim, and saved the costs of a trial. Now, why should a party in such a case have to pay into court, as security for costs, £5, and for every folio over five a further sum of 10s., involving, as it will do, the expense of paying into, and obtaining the money out of, court? In many cases poor suitors will not be able to find the money. Rule 25 provides that the costs of discovery by interrogatories, or otherwise, shall be allowed as part of the costs of the party seeking such discovery, where, and only where, such discovery shall appear to the judge at the trial, or, if there is no trial, to the court or judge, or shall appear to the taxing officer, to have been reasonably asked for. Surely this is a sufficient check upon incurring unnecessary costs? I quite approve of the rule that interrogatories are not to be allowed, except by order of a judge, who would, upon the interrogatories being laid before him, at once see if they were material. I cannot, however, but foresee that the condition of payment into court of a sum of money as security for costs of discovery

will be, in many cases, an hindrance to justice, and will certainly be no saving of expense. It is true that the resolution of the Committee of the Incorporated Law Society rather suggests a payment into court, but that was a point with which I, as a member of the committee, could not agree. I would now call attention to order 65, rule 12, which provides that "in actions founded on contract, in which the plaintiff recovers by judgment, or otherwise, a sum (exclusive of costs) not exceeding £50, he shall be entitled to no more costs than he would have been entitled to had he brought his action in the county court, unless the court or judge otherwise orders." Now, every one who has any experience of the working of order 14, by which plaintiffs can obtain speedy judgments in actions for liquidated demands where there is no defence, will admit that it is one of the very greatest improvements in legal procedure that ever was made. It is now by the new rules extended, I am glad to see, to actions for recovery of land where there is no defence. I submit the advantage of that order should not be taken away from the suitors in actions not exceeding £50, which would practically be the result if the new rule quoted above is to remain as it is. I suggest that it should be amended by excepting from it judgments by default, and judgments under order 14; and that in other cases—not exceeding £50—the county court scale should apply; and I hope this suggestion will be laid before the Rule Committee of Judges. I now come to what appears to me a most important matter to suitors, both as regards expense and delay, and which does not seem to be dealt with in the new rules. Rule 22a, order 36, of the old rules (now repealed) provided that, upon the trial of an action, the judge might, at or after the trial, direct that judgment be entered for any or either party, or *adjourn the case for further consideration*, or leave any party to apply for judgment. The new order 40, r. 2, says: "Where at the trial the judge or referee abstains from directing any judgment to be entered, the plaintiff may set down a motion for judgment; or, if the plaintiff does not do so in ten days after the trial, the defendant may set it down." But nothing is said about adjourning the case for *further consideration*, as in the old rule. I therefore assume that a *motion for judgment* is substituted for "further consideration"; but whether the proceeding under consideration is to be by way of "motion for judgment" or "further consideration," the remarks I am about to make will equally apply, as I presume the "motion for judgment" will be set down to be heard by the judge who has tried the cause, and that he will fix a day for hearing the motion. It has hitherto been the practice to postpone cases tried at *Nisi Prius* for "further consideration," by the judge who has tried the action, of points of law raised at the trial. I submit that the judge should hear any legal argument at the trial, and then and there give judgment, whilst the matter is fresh in the mind of the judge, counsel, and solicitors; or the judge might, if he required time for consideration, reserve his judgment after hearing the argument of counsel. You deliver your briefs with fees marked, intended to embrace both the law and the facts of the case. Before these "further considerations" came into vogue the judge ruled at the trial according to his view of the law, and left the party against whom he decided to move the court if he thought fit to do so. *Now*, extra expense and delay are caused by these "further considerations" or "motions for judgment." In the majority of such cases the party decided against goes to the divisional court, and afterwards to the Court of Appeal, instead of appealing, as I submit he should do, to the Court of Appeal from the decision of the judge at *Nisi Prius*, and so saving the expense and delay which I am bound to allude to. The result of reserving a case for further consideration involves fresh fees to counsel, and, in assize cases, the journey of the country solicitors to attend the argument in London, which in my opinion is absolutely necessary in every important case, especially where the proceedings in the action are commenced and continued in the district registry. But the successful party has to pay out of his own pocket for his solicitor's journey, and it is not an item allowed on taxation as between party and party. Then, as to the delay caused by these "further considerations" or "motions for judgment," it is often a difficult matter to get the judge to name a day for the hearing after he returns to town from the assizes: he has other engagements. For instance, a case in our office, tried at the Cambridge Summer Assizes of 1882, the judge, Mr. Justice Hawkins, reserved a point of law for further consideration in London. After the Long Vacation I made numerous applications to his lordship's clerk for an appointment to hear the arguments, but it was not until January of the present year that he fixed a day—after a delay of over five months! There is also, under the present system, often very great difficulty in getting counsel who have conducted a case at the assizes to attend the further consideration on the day appointed, there being usually eight or ten courts sitting at the same time. And here let me say that I hail with much satisfaction the new rule which abolishes the rule *nisi* in cases of motions for new trials, &c. A great saving of time and expense to the suitor will be the result of the new practice, and may prove to be the stepping-stone towards relieving the Divisional Court altogether of such motions. I do not see why a motion for a new trial, or to enter the verdict, should not be made by way of appeal direct to the Court of Appeal. Indeed, such is one of the recommendations in the Report of the Committee of the Incorporated Law Society, to which I have already referred. I have been told that there is no time for an argument of points of law at the assizes, and that there is no sufficient law library to refer to. Well, if it be so, let us make time and let us have sufficient law libraries at assize towns (such as the one at Leeds); and with that view I proceed to submit the following suggestions as to the circuits. It is a well-known fact that in many of the assize towns there is but very little civil business to be disposed of by the judges; and the assembling of judges, sheriffs, marshals, associates, and other officers, so far at least as civil business is concerned, is a waste of time, money, and judicial power. My first suggestion, therefore, is to abolish the assizes so far as civil business is concerned, in certain places where there is but little civil business (occasionally in some places none at all), and to transfer such business to cities or towns where there is generally sufficient civil business to make it worth while for the judges and others to attend—in other words, I propose to concentrate assize work as much as possible. Take, for instance, the Midland Circuit. At Aylesbury, Bedford, Northampton, Oakham, and Derby, where the civil business is comparatively small, I suggest that the assize business of these places on the civil side should be transferred to Leicester, Lincoln, Nottingham, or Warwick. Again, on the Northern Circuit, Appleby civil business might well go to Carlisle, and Lancaster civil business to Manchester or Liverpool. On the North-Eastern Circuit, York civil business might go to Leeds; and on the North and South Wales Circuits, Carnarvon and Chester would suffice for North Wales; Carmarthen and Swansea or Cardiff, with Chester, ought to suffice for South Wales; and so as regards other circuits, many towns might be abolished as assize towns for civil business, and I should like to add that I see no reason why all civil assize business from the home counties (formerly called the Home Circuit) should not be brought to London. I feel sure it would save much time. I do not believe, in the result, the expenses would be increased. Assuming that the above suggestions could be carried out, a considerable number of days would be saved in travelling, and opening the assizes on the commission days (no assize business is ever, as a rule, commenced on the commission day), and the days so saved might be appropriated, if need be, to the argument and decision of points of law arising at *Nisi Prius* at or immediately after the close of the trial, and thus the inconvenience, expense, and delay of a hearing on further consideration, or on motion for judgment, would be avoided. I may remark here that at the Liverpool Summer Assizes of 1882, Mr. Justice Day decided all the points of law raised before him then and there, except one, which was quite a novel one; and I believe he would then have decided that also had not counsel wanted time to refer to reported cases, and pressed for an adjournment to London. I have no doubt that my suggestions as to the circuits are capable of much improvement, and are probably open to objection, but I shall be quite content if they lead to good results for the suitor. I do not propose to discuss those portions of the new rules as to costs, which reflect personally on solicitors; but I should like to say, in conclusion, that I think the best thanks of the Incorporated Law Society, and of all provincial law societies, are due to our friend Mr. Gregory, M.P., who, in his speech in the House of Commons on the 11th of August last, upon Sir H. Giffard's motion to annul the new rules for the purpose of procuring time for their consideration, protested against the stigma and odium impliedly cast upon the general body of solicitors.

A Few Thoughts suggested by the Bankruptcy Act of 1883.

Mr. Bernard Wake (Sheffield) read a paper with this title. After discussing the leading provisions of the new Act, he said: The conclusion to which I venture to arrive is that Parliament has half seen the fearful mischief from our old bad bankruptcy laws, that it has half seen that creditors are not to be trusted, either to look after their own interests, or those of the community at large; and that there is such a wrong committed when payment of a debt is not made as to render it requisite that a court should adjudicate upon each individual case. If my conclusion be correct, and strong judges, who know commerce as well as law, administer the Act of 1883, and wholly see what Parliament half sees, and makes every insolvent prove his case for discharge, and gives small heed to creditors, except as to the realization of the insolvent's estate, then a boon has been conferred upon our country, the magnitude of which, I think, cannot be exaggerated, and the growth of which will be *de die in diem*, until we culminate in working close to the good old principle that "promises must be fulfilled and debts must be paid." But I tremble whilst I hope. I tremble lest the voice of creditors should be listened to by judges; I tremble lest judges should say that they cannot, individually, investigate either compositions or arrangements, or facts as to discharge which are not of a gross and glaring character; I tremble lest they should assume that full payment of money, or compliance with promises, is not always to be expected; I tremble lest official receivers—who will be subject to many temptations—should practically be the exponents of our commercial morality. Happy shall I be if I tremble without a cause; but should my fears be well founded, then our bankruptcy law will drift back again to the place whence it came, and may be "the last state will be worse than the first."

It was arranged that the discussion on these two latter papers should be taken together; and, after an adjournment for luncheon,

Mr. G. R. Dodd (London) remarked, with regard to the observations of the president in his opening address respecting auctioneers, that the London solicitors were in a difficult position with reference to the subject. The leading auctioneers had met together and had come to an understanding that they would not act upon anything else than the old terms. The result of this was that if a solicitor instructed an auctioneer on behalf of the mortgagee to sell a property they were often out of pocket thereby. In the case of a sale amounting to £2,000, for instance, the scale would only give the solicitor about £15, whilst the auctioneer would charge five per cent. on the first £100, and two and a half per cent. on the rest. Were the solicitors to put their hands in their pockets and pay the auctioneers with their own money? The solicitor would have the pleasure of doing everything incidental to the sale for the small allowance under the scale, and he would have to pay the auctioneer in addition from his own pocket.

Mr. Henry Roscoe (London) said the president had referred to two matters of great importance to the profession—the remuneration of solicitors under the Solicitors' Remuneration Act for conveyancing and non-contentious matters, and the remuneration of solicitors under the

new rules and orders of court. There was a marked distinction of principle under which these two kinds of remuneration were fixed. Under the Solicitors' Remuneration Act it was by a committee of gentlemen who were named under that Act, two of whom were members of the solicitor branch of the profession. The Incorporated Law Society was entitled to the credit of getting their president placed upon that committee, and the Liverpool Law Society was entitled to the credit of getting a president of a provincial law society placed upon it. Five members of that committee fixed the remuneration, and whether that was satisfactory or unsatisfactory the solicitors were represented upon it, and they had the satisfaction of knowing that their views had been well placed before the body that had to decide the question. With regard to remuneration under the orders of court it was exactly the reverse. There the solicitors were not represented, and they were not consulted, for the Rule Committee of the Judges had most carefully abstained from consulting the Incorporated or any other law society or any member of the solicitor branch of the profession with regard to the remuneration to be fixed for all litigious matters, whether they were chancery or common law. This was a matter of the greatest importance to solicitors. He did not wish to stand too much upon the dignity of the solicitor branch of the profession, but he considered it a slur upon them that they had not been considered worthy even to be consulted upon matters which most materially affected, not only their clients, but their own interests, and which were intended to regulate them in a way in which no other profession was regulated and in a way which he thought unjust in itself. He did not wish to avoid taxation of solicitors' costs. The remuneration must be regulated by some rules, and he thought the rule of taxation a very convenient mode of so doing, but the assessment should be on fair and reasonable principles, and when these principles were to be materially altered, surely the body affected should be consulted. How otherwise could it be made satisfactory to a great profession like their own? And if not, how were they to make them serve the interests of the clients? Surely a solicitor should not be tempted to avoid the orders of court for his own pecuniary benefit, and this would certainly be the tendency when solicitors felt that injustice had been done them, and the superior authorities had not placed them in a fair and reasonable position with regard to a matter most intimately affecting their own personal interest. Therefore a wide distinction should be drawn between the operation of the rules with regard to the remuneration laid down in the Solicitors' Remuneration Act and those laid down under the Rule Committee of the Judges. One great object of the society should be to have the solicitors' remuneration regulated by a tribunal upon which the solicitors were amply represented.

Mr. Pennington (London) remarked that though they were represented on the tribunal which enacted the General Order, which settled their remuneration in conveyancing business, the president dissented from that order, and that was a very important thing to remember. It was of immense importance to the solicitors and their clients to see how it would work. The president had drawn attention to the fact that the solicitor was not allowed to have the fee for conducting a sale of property when the commission was paid by the client to an auctioneer, but he had not called attention to the fact that by order 41 remuneration prescribed by Schedule I. was not to include stamps, counsels' fees, auctioneers' or valuers' charges. Of course, in that state of things the question arose, "What is the meaning of the order? what had the tribunal in their minds when they framed that order, which says that solicitors are to have remuneration for conducting sales by auction?" They were not to have the remuneration of a commission which was paid by the client to the auctioneer. The subject had been very fully considered, and he was at liberty to say that several members of the council, and also counsel of eminence, one of them now on the bench, had come to the conclusion that some meaning must be given to the words "auctioneers' or valuers' charges," and that those words being there, the only possible construction of the order was that the solicitor was to be entitled, in addition to his fee for strictly legal business, to his commission for conducting a sale by public auction, and he was to be allowed to charge in addition the auctioneers' and valuers' charges for assisting him in conducting the sale—that was to say, charges as distinct from commission. This must be the general opinion. But the question was, "What had the tribunal in their minds?" The order was inspired as most present knew by the president of the Liverpool Law Society. In Liverpool the auctioneer merely went into the rostrum and sold, and received a fixed fee for so doing. The president of the Liverpool Law Society was aware that the operation of the order would be that the Liverpool solicitors, and the solicitors of many parts of the North of England, would, under the order, receive first of all their commission for perusing the title, and their commission for conducting the sale, and then they would either charge, as against their commission for conducting the sale, a nominal fee which they paid to the auctioneer, or they would charge that in addition against their client. The London solicitors were placed in a position of very peculiar difficulty, unless they abandoned altogether all thought of obtaining the fee for conducting sales. He did not see how it was possible for them at any sale in cases of magnitude, where they were employing leading auctioneers, to make any arrangement which would result in their receiving a fee for conducting the sale in public, which it was obviously intended they should receive provided they complied with certain conditions. These conditions were practically impossible with all the large auctioneers. The council had contended for a suitable fee for conducting legal business, and wanted to have nothing to do with public auctions, and that seemed to him right. If the public had any fault to find with auctioneers, let *them* settle it. He thought that, if possible, they should endeavour to get the order amended. He rather approved of the principle of paying people by commission, and he would like the order amended so that solicitors would be paid for legal business, and that the latter part of the order should be cut out.

Mr. Howlett (Brighton) observed that the Sussex Law Society had thought that auctioneers' fees were too large, and that the order gave solicitors an opportunity, which they ought not to neglect, for getting them reduced. But they had felt that they ought to steer clear of any charge of doing this in their own interest, and they had passed a resolution that they should offer auctioneers precisely the same scale for conducting a sale as they themselves received under the order.

Mr. F. K. Munton (London) spoke in opposition to clause 987 of the new procedure rules, which threw all actions for sums under £50, based on contract, into the county court. He contended that the cost of recovering £20 in the county court was unfortunately higher than the cost of recovering the same amount in the superior courts.

Mr. Jevons (Liverpool) submitted that the scale having been once settled, any attempt to abrogate it at the present time, and get additional payment for the ordinary professional work, would be certain to fail. Moreover, the practice in different places differed so much, that it could not be dealt with fairly under the same scale. He knew of cases where it was impossible to enforce anything like the scale, and in some towns solicitors had met and had tried to form a scale of their own on a considerably lower basis. It being the practice at Liverpool and other places to do certain work connected with sales not undertaken in London, it would be very unjust that the solicitors of London should say, "We don't do it, and therefore you must give it up, though you get no remuneration for it." The whole work of the auctioneers could be done by solicitors if they cared to take the trouble.

Mr. J. Addison (London) said that the Remuneration Order, as issued, was not of the seeking of the council, and did not entirely accord with their views. He thought the solicitors should wait and see how it worked, and they would be able to gather from the societies in different parts of the country the result, and ascertain whether alteration was needed. The London auctioneer occupied a different position from the country auctioneer, and, in the majority of cases which came to the London solicitor, he was instructed to select a certain auctioneer, or frequently a certain auctioneer had already been chosen by the client. In some cases the London solicitor did not find the order pay, and in others it paid too well—he meant in the case of leases, where there were no difficulties of title.

Mr. R. Ellett (Cirencester) said that in Gloucestershire the solicitors had communicated with the auctioneers, and a scale had been framed which, to a large extent, had been accepted, under which the solicitors paid the auctioneers a moderate fee for their duties in the rostrum. If they employed them in addition for surveying or valuing or advising they paid them an additional fee. He thought auctioneers in other counties would be prepared to meet solicitors in the same way. He deprecated any agitation for the amendment of the order at this early period of its history.

Mr. H. Bramley (Sheffield) remarked that in Sheffield the solicitors allowed the auctioneers half per cent. if selling up to £500, and beyond a quarter per cent., and they found the scale sufficient to enable them to do this. It would not suit the purpose of any auctioneer in the country to say to the leading solicitors of the districts, "I won't do so and so." The Sheffield solicitors had had some difficult auctioneers to deal with, but they had left them alone, and they had soon come round. He moved that the council be requested at the next provincial meeting to present the result of their inquiries into the working throughout the country of the Solicitors' Remuneration Order, particularly so far as it related to negotiating and dealing with auctioneers' commission.

Mr. Williams (Brighton) seconded the motion.

Mr. W. Melmoth Walters (London) observed that hitherto the solicitors had one single standard of costs, the ultimate authority being the taxing master. Whether the solicitors throughout the country would or would not charge the full fees allowed by the scale was a matter for their own consciences, but there must be a standard of costs which would remunerate the solicitor of high standing and of great attainments, living in an expensive city like London, who could not undertake his business on such easy terms as his rival in the country. If the solicitor was able to add to his practice auctioneering or surveying, let him be paid for that *quantum meruit* or to a scale, but let him not sacrifice the legal work to this accidental business which he might engraft upon his pure and proper work, otherwise he would be bringing his profession down to a lower level. He looked upon it as an indirect way of cutting down the profits of the auctioneers for the benefit of the clients. He quite agreed that this should be done, and that they should pay their auctioneers for their mechanical business in selling, and separately for their skilled work in surveying and valuing. They had the order, and had to make the best of it, and must work it out as they best could. The London solicitors had allowed the auctioneers to combine these three offices in one, and had paid them by a commission. Now, the solicitors must either do their work or say, "You must follow the example of your country brethren."

Sir Thomas Paine (London) thought the meeting would be in favour of allowing the Solicitors' Remuneration Order to work out itself. Anything in the shape of an attempt at amendment would be premature. Sooner or later it would shake itself into shape, and into a shape which would be tolerably satisfactory to the profession.

Mr. J. S. Rubinstein (London) expressed himself in favour of solicitors performing the work of auctioneers.

Mr. Bramley withdrew his motion, stating that he should bring it forward next year.

Mr. E. Kimber (London) objected to the clause of the new rules which

took away the right of discovery. By discovery an action was very often stifled altogether.

Mr. GRINHAM KEEN (London) moved: "That, in the opinion of this meeting, the party and party scale of costs should be altered so that the costs of a successful litigant should, in all cases, be allowed on the solicitor and client's scale as if payable out of the fund in court.

Mr. LEWIS (Wrexham) seconded the motion.

The motion was carried.

Mr. KEEN next moved a resolution which was seconded by Mr. COX (Bristol), and after several alterations at the suggestion of various members was carried unanimously in the following form:—"That this meeting desires to record a protest on the part of the profession against the settlement of any scale of remuneration for contentious business by a tribunal on which solicitors are not represented.

The meeting then adjourned until the following morning.

THE BANKRUPTCY ACT.

On Wednesday morning Mr. ADDISON (London) resumed the debate. He remarked that at the present moment, as far as the Bankruptcy Act was concerned, the council could do nothing to modify what the Legislature had done. The plan and scheme of the Bill were devised by those who brought it in, and it was not open to the council, whatever their views might be, to procure any modification of the general principle and scope of the Act, and he had no doubt they would find that there were many of the small provisions of the Act which would not be satisfactory to the solicitors even in this respect. Though the council might make suggestions, the suggestions were in many instances not assented to. There was a clause inserted in the Act—he believed proposed by Mr. Cohen—that in the event of a debtor giving notice to any of his creditors that he had suspended, or was about to suspend, payment, he had committed an act of bankruptcy. That struck most of the council as a very dangerous provision which went a great deal further than was required. A person having thus committed an act of bankruptcy could not be helped by his friends, because they could not help one who had committed an act of bankruptcy. Another point was that a trustee must disclaim a lease within three months. He found no advantage in that. Why the Act should imperatively impose upon the trustee that he must disclaim within three months, or be saddled with personal liability, he could not see. Then, in dealing with estates of persons who might be insolvent, he was bound to say the provisions of the Act were objectionable. It was provided that the official receiver should be the person to administer the estate. That seemed to him to be throwing upon him very large power, and taking it out of the hands of those who might wish to select an administrator the right to do so. He had had experience of several Acts, and his own opinion was that the practice of the Act of 1849 was the best. The next Act, that of Lord Westbury, which was clamoured for by creditors because, in their opinion, the mode in which certificates, as they were then called, was granted varied with the temper and opinion of the judges, and they objected to the delays in the office of the official assignee. Under the Act of 1861 they got into a state of affairs that was seven times worse than that under the Act of 1849. This brought about the Act of 1869. This was almost as bad, and added the great double expense of solicitor and accountant, both charging and both doing practically the same work. The present Act had gone from great freedom to the very extreme. All that they could hope was that the Board of Trade in administering the Act would give as much freedom as it possibly could; that it would provide a strict scrutiny into the acts of debtors; that instead of estates being administered, not for the benefit of creditors, but for the relief of insolvent debtors, the contrary would be the case. He could only hope that those who administered the Act would bear in mind the necessity of giving the greatest freedom to creditors, under due supervision, but not under too much centralization in one office.

Mr. E. KIMBER (London) was opposed to the appointment of accountants for five years, and criticized several other provisions of the Act.

Mr. WOODHOUSE (Hull) asserted that if the Act of 1869 had been amended on the lines of the Bill introduced by Lord Selborne it would at least have been a Bill more acceptable to lawyers. They began, after thirteen years' litigation, to be acquainted with the Bill of 1869, and, if the abuse of proxies had been done away with and a public examination insisted upon in every case, the Act could have been made to work very much more to the interest of creditors and of the commercial community generally. Many of the provisions of the new Act were most inconsistent, and one could hardly imagine the Bill had been drawn by a lawyer, but rather by the President of a Board of Trade. That it should be an act of bankruptcy for a man to go to a creditor and say, "I am sorry I cannot pay you, if you press me I will suspend payment," was most objectionable, and he was quite sure the members of the committee did not see what would be the effect to the mercantile community. The Bill made it an act of bankruptcy if a man had execution levied upon him by seizure and sale for any amount, however small, and this opened the door to an immense amount of fraud. It would never work, and the Act, in these respects, would have to be amended. The Legislature had gone too far in providing that if a man obtained credit for £20 without giving notice that he was an undischarged bankrupt, he was guilty of a misdemeanor. In the interest of constitutional freedom he thought the society might have intervened to have had some different provision inserted to that. It might, at least, be provided that the notice should be in writing, because it laid a man open to this, that, in the hands of an unscrupulous creditor he might be placed in the dock with his mouth closed and no one to say but the creditor whether he ought to be there or not.

Mr. ADDISON, in explanation, said that an effort was made by the council to modify to some extent the section referred to, but they were not successful.

Mr. H. ROSCOE (London) observed that Mr. Gregory, M.P., a member of the council, had been on the Grand Committee, and that the council had a special committee on which also Mr. Gregory served. Everything had been done that possibly could be done to impress the views of the council on the Grand Committee. He believed that a great many of Mr. Gregory's suggestions had been adopted, whilst naturally a great many were not.

Mr. C. FORD (London) would like to know whether the council took any step to ascertain the views of members of the profession more especially experienced in bankruptcy matters?

Mr. GRIBBLE (London) said that the names of the members of the committee referred to by Mr. Roscoe would answer that question.

Mr. BERNARD WAKE (Sheffield) moved, "That this meeting now strongly recommends the Council of the Incorporated Law Society to take the best steps they can devise—(1) to insure that the very extensive powers conferred by the Act upon judges, county court registrars and official receivers shall be exercised with uniformity; and (2) to insure that the rules to be made to carry out the Act shall, where possible, lay down guiding principles, and, where possible, assign definite consequences for the various offences enumerated in the Act." The great blot upon the Act was that there was no preamble whatever and no guiding principle. If it was possible for the rules to be framed to give anything like definiteness to the Act solicitors would know what the Act meant, but at the present moment it was quite possible for a registrar to say to a bankrupt "You have been guilty of an offence under the Act, and I shall suspend you until after lunch." A registrar in Penzance might do one thing and one in Newcastle something quite opposite.

Mr. E. KIMBER (London) seconded the motion.

Sir THOMAS PAINE hoped the meeting would not pass resolutions that were of no use. There could not be a question but that Mr. Chamberlain and the Board of Trade would do their best to get the Bill adequately worked. The principal appointments were probably already resolved upon, and the rules were about to be made. What was the use of a resolution directing the council to do this or that which it was impossible for them to perform?

The CHAIRMAN observed that the rules were not only in course of preparation, but they had been sent to the council, and to some of the leading firms in the city whose business specially lay in bankruptcy matters, for their consideration, and he did not think they had reason to complain that in matters of this sort those who were the leaders of the profession to which the Act applied more particularly had not been consulted.

Mr. WOODHOUSE suggested that the rules ought to be sent to the provincial law societies—a large amount of bankruptcy business was done in the country.

The CHAIRMAN said that the council had no power to circulate the rules. He thought they had been sent to those quarters in which Mr. Chamberlain had considered they would be likely to be of use.

Mr. WAKE asserted that the very last idea he had was to fetter the council, because he had the strongest feeling that the profession was greatly indebted to them. He would modify his motion as follows:—"That the council be requested carefully to consider the draft new rules, in order to give rise, as far as possible, to uniformity of practice, and ensure that definite consequences shall follow definite offences."

The CHAIRMAN suggested the advisability of withdrawing the resolution, and to this Mr. WAKE consented.

AMALGAMATION.

Mr. GRINHAM KEEN (London) read a paper entitled "Amalgamation: Another Chapter." He said:—I will, if you please, confine myself to two special matters. I had written three, but as the last stands referred to a special committee of the council, it would not be fitting to endeavour to deal with that one now. The first of the two, then, is the report that went the round of our legal and other newspapers but a few weeks since—that it was the opinion of a very high authority that there was nothing to prevent a barrister from seeing, advising, and acting for a client without the intervention of a solicitor, and reference was, I believe, made to an antiquated case where some eminent personage had gone straight for advice to a barrister. One of the papers, I remember, assumed the matter might be considered as settled, and that barristors might directly advise clients; but since that time another paper has stated that it was in a position to contradict the assertion that an opinion to this effect had been given. Any opinion on the subject would have to deal with a very delicate, but at the same time a very binding portion of our laws—I mean the *leges non scriptæ*. We none of us, I think, know *exactly* how it began or how it ended, but we do know it was much talked of, and that our society is still on the *qui vive* respecting it. It is a point on which there must be no sort of doubt, for it touches this question of "Amalgamation" to the quick. When a division of labour has been working satisfactorily for many years, and is found still meeting all the pressing requirements of the age, it seems to me unwise that we should seek to alter it, for sure I am that, if we are to have "barrister-solicitors," the public will speedily decide that there shall be "solicitor-barristers," and the bar would then be called upon to produce its title deeds showing an unalterable and exclusive right of audience in court. I was taught, and still believe, it is best for all concerned that it should be so, but I was also taught that the solicitor only could communicate directly with the client, and that he had *the sole right to practise as a solicitor in the courts*. This brings me at once face to face with my second head; but ere I part from the first I would say, that we know well the great majority of the bar are quite agreed with us on this point, but there is an altering, I am not sure it is always an improving, spirit abroad;

and though the great bulk of the community may be quite content with our admirable institutions as they are, experience shows us that a few advanced spirits now-a-days, who go in for change in everything, good, bad, or indifferent, are apt sometimes to get their own way to the detriment of the community. I do not think the solicitors, highly educated as they are in the present day, and accustomed at board and other meetings to public speaking, need for one moment fear "amalgamation." Many would hail it with satisfaction, but it would be a very bad business for the public, and for our English bar, which we feel to be one of our greatest and best institutions; it would, I fear, mean loss of dignity, loss of independence, if it did not end in its ruin. We do not confine ourselves, on a great question like this, to self-interest; the solicitors have shown on many occasions they can rise above that. They would join with the nation in regret at a change for the worse. If we are, like poor "Joe," to be always "moving on," and if a craze for change is to take possession of us (I devoutly hope it will not), let us, at all events, look well before we leap, and try to jump in the right direction. If anything more is heard of this supposed *dictum*—consulting with counsel direct—the first practical step for the solicitors to take will be to bring about the abolition of the year's probation, so that their call to the bar may be *immediate*. The *Times*, in an article after the Oxford meeting, though generally agreeing with the proposition that the division of labour, as it at present exists, is desirable, drew attention to the practice in the United States, where the two branches are amalgamated. I have a great regard for our American cousins, but I cannot think their system will bear comparison with our own. We have nothing to learn from them on this head—the administration of the law; and though some of our teachers are much in love with American institutions, I think rather that America has still much to learn from the old country. Now, to the remaining point for our consideration to-day, it is a *big one*. The bar being content to take the division of labour as it is, or as it ought to be, surely the boundaries of the solicitors' branch should be clearly defined and their undoubted rights upheld, and this not only in their interest, but as a safeguard to the public, and a protection from the loss and injury which, sooner or later, come about where ignorant and unqualified persons attempt to do legal business. Persons styling themselves accountants and agents and law stationers do not, and cannot—indeed, they would not be allowed to interfere with the rights (I still say "rights") of the bar; but what, I would ask, are these unqualified persons doing with ours? It is patent to all of us that unqualified persons are continually "widening the sphere of their operations" (I use words from one of the many sensible articles on this subject in the SOLICITORS' JOURNAL), "and trenching largely on the functions of solicitors." We have only to read the legal papers weekly to see how this illicit business is growing. But how difficult a thing it is to cope with. "You have not hit the bird in the eye" was a saying of the late Baron Parke, and Lord Fitzgerald reminded the society's counsel of it during the hearing of the recent appeal in the law stationers' cases in the House of Lords. His lordship is entitled to the warmest thanks of our society for stating publicly that he had done all he could to help us to reach a question which (he observed) must arise, and was probably to be found under the surface of those cases. Although I must, with all deference to that great tribunal, still hold that the work to be done in applying for probates and grants of administration before the clerks of the seat and the registrars of the High Court, cannot probably, and ought not to, be done by messengers, I am not going to fight the question over again here. This practice of the law stationers having been condemned not only by the chief society, but also by the associated law societies, the proceedings, commenced under the advice, the unanimous advice, of three very eminent counsel, and sanctioned by an immense majority of members at a special meeting of our society, were taken and failed. But the Incorporated Law Society is not a regiment that will throw down its arms and bolt at the first check—no—but we must be more than ever vigilant, and hope for a comprehensive interpretation of the statutes passed to secure our rights, and if those fail us we must ask from the authorities that which Lord Fitzgerald has shown us, I think, will not be wanting—help in procuring the necessary legislation to put an end to this vexed question. Unqualified practitioners are not only doing business in county courts and the legal offices, but they are examining abstracts of title and doing other legal work which they do not and cannot understand. The point (No. 3) I mentioned at the beginning of this paper, brought before the Council by the Bank of England solicitor, and which has been referred to a special committee, is in connection with the *distringas* business. It will once more open up the question, and it is for us to determine whether we shall retire from the contest or still labour to protect our own rights and to secure the public welfare. The *Law Times*, in an article on this subject, predicts that "no doubt the council will act with promptitude in a matter of so much importance," adding "these encroachments are now presenting themselves on every side, and a decided stand must be made by the profession in self-defence against them." Let us also to-day resolve to strengthen our council's hands. The advisability of seeking further legislation has been well and forcibly pointed out both by the *Law Times* and the SOLICITORS' JOURNAL, and it is now for us to determine whether it shall be set on foot. The *Law Times* says, in its issue of the 17th of June, 1882, "If the society is beaten before the ultimate court, legislation must follow, in order that legitimate professional interests may be protected"; and the SOLICITORS' JOURNAL of the same date says, "When that has been done" (*i.e.*, the decision of the House of Lords obtained) "the time will come for considering what legislative or other proceedings may be necessary for meeting the convenience of country solicitors and protecting the profession from the inroads of unqualified practitioners." But besides and beyond this, and above all things, I would appeal to the loyalty of all members of the profession to which we have the honour to belong, to abstain from doing anything, however trivial, to encourage this noxious growth; and if a sense of professional propriety fails to touch some few of its members (they are but a small minority I gladly believe) let those take to heart the unmistakable warning of the SOLICITORS' JOURNAL of the 17th of June, 1882, which has sunk deeply into mine; let them remember that "it is not a long step from the employment of unqualified persons by the solicitors to transact certain kinds of legal business, to their employment in similar matters by clients." Unless some decisive action is taken, more barriers will be broken down, and we shall find ourselves drifting to "within measureable distance" of amalgamation, for that must be one result of the levelling process; levelling down is speedily followed by levelling up, with the sure and certain swing of the pendulum. Amalgamation would bring about no public good, and another result—further concession to the unqualified practitioner—would be a grave public evil. Here, to-day, I will stop, adding only that if there be no tampering with our branch of the profession from any quarter, let a verdict be once more recorded against amalgamation.

Mr. DEBENHAM (London) seconded Mr. Keen's suggestion that solicitors should avoid encouraging the employment of law stationers as agents. By this practice great mischief was done to the profession at large.

Mr. BRAMLEY (Sheffield) said that accountants constantly sent out lithographed letters applying for debts, and charging 6s. 8d., threatening that, if not paid, proceedings would be taken, but carefully guarding against themselves from representing themselves as solicitors. He thought that an Act should be passed making this an offence.

The PRESIDENT said that the council had succeeded in a great many cases in getting unqualified persons fined for sending out applications, but they could only do so where they held themselves out as solicitors. Where they headed their letter with "So-and-so, Accountants," the council were powerless.

Mr. W. W. YOUNG (London) called attention to a newspaper advertisement from an unqualified person, which stated that "a solicitor of great experience could be consulted on the premises."

The PRESIDENT replied that it was highly objectionable, but that no action could be taken by the Society.

Mr. GREY (Bradford) moved: "That the council be requested to frame an amendment to the Solicitors Act, with a view to prevent encroachments by law stationers and other unqualified persons upon the practice and duties of solicitors."

Mr. LEWIS (Wrexham) seconded the motion.

Mr. W. MELMOTH WALTERS (London) said that the law was clear enough. The society had taken action against a firm of law stationers, and the judges had come to the conclusion that they were merely doing messengers' work. It was not the law that required alteration, but they required a better case to go upon. He hoped they would not make themselves ridiculous by going to Parliament for an Act which must contain a long schedule of acts by persons who are not solicitors.

Mr. DEVONSHIRE was in favour of the matter being left to the council.

The motion was negatived.

EVIDENCE OF ACCUSED PERSONS.

Mr. JOSEPH ADDISON (London) read a paper "On the Admission of the Evidence of Persons charged with Criminal Offences." He said:—I have chosen this subject as one on which to read a short paper, because, as you are aware, a change of the present law was contemplated in the Criminal Code Indictable Offences Bill, introduced into the late session of Parliament, and the question is one of much importance upon which the opinion of this society will be considered as having great practical value. I think, however, the main inducement to me to write upon it was, that I read in a legal journal that the clause providing for the admission of such evidence was, with some others, likely to meet with determined opposition. The Criminal Code Bill will no doubt be reintroduced in a future session of Parliament; and the present seems a very fitting time for us to consider how far the existing state of the law is satisfactory, and whether the proposed amendment is a desirable alteration of it. The general rule is that a person is not allowed to give evidence upon a charge against him of a criminal offence, and, with certain trifling exceptions, the same disability extends also to the wife or husband of such person. By the proposed new code all such persons would become competent, but could not be compelled to give evidence. At the outset we shall all probably admit that the effect of the existing law is peculiar—on one side of the court a man, a party to an action in which his character and fortune may be at stake, is allowed to give his evidence freely; on the other, if he be charged with a very trifling offence, involving little moral stigma, and in its result of small importance to himself, his mouth is absolutely closed. Still more strange does the anomaly become when we find a man sued on the one side of the court for some act, giving evidence for himself, when placed on the other side, and charged with the same act as an offence, unable to do so. I need only refer to alleged assaults, libels, or conspiracies to defraud, many instances of which will be present to the minds of most of us. The rule leads also sometimes to the adoption of singular modes of defence, and to strange results. It is not unusual for a person charged with an assault to bring a similar charge against the complainant, and for the magistrate to hear both cases before giving his judgment on either; each party giving evidence on his own summons, whilst precluded from doing so on the summons of the other. So if the person charged has been convicted, he sometimes subsequently prosecutes for perjury the complainant or some of his witnesses. Here the positions being reversed, and the original defendant being allowed to give evidence, which his former accuser is not, the original complainant may be convicted of perjury in the testimony upon which the first conviction was based. The case of the Rev. Mr. Hatch was a striking illustration of the adoption of such a

course. These absurd results, important as they may be, seem to me the smallest mischiefs of the present system. I claim for every accused person the right, plain and unimpeachable, of meeting his accusers face to face on equal terms. Anything less is a denial of justice—anything less shields the guilty at the expense of the innocent. I cannot conceive the case of an innocent person charged with with a crime who would not wished to be placed in the witness-box and tell his own story on oath to the jury; it would be his first and most natural desire, whilst the guilty would shrink from the ordeal. Bentham, that great reformer whose views were generations in advance of his own time, exposed with unanswerable logic the injustice and folly of the exclusion of evidence which prevailed in his day; and on this subject, whilst utterly condemning the closing of a prisoner's mouth, tells us that "innocence claims the right of speech, whilst guilt invokes the privilege of silence." Let us also set plainly before us that the object of our criminal law is to punish the guilty, and consider how often the criminal escapes by the powerful appeal, "My unfortunate client's mouth is closed, but if he could tell his own tale he would say—so and so," being probably the explanations which his astute advisers think most in accordance with the possibility of his innocence. Our domestic conduct, the proceedings of the natural man, unfettered by legal restraints, are wholly the reverse. Suppose you or I thought a child or servant guilty of some misconduct, do we refuse to hear the alleged offender? Does not the person, if innocently charged, hasten to explain? Does he not volunteer to submit to examination and to have his story tested; and would any of us think he was acting justly in refusing to receive such testimony? Moreover, is not our object, above all others, to ascertain the truth, and are we not excluding that which might greatly aid our inquiry? What should we think of the scientific investigator, or indeed of any inquirer into the truth of a matter, who, at the outset of his inquiry, said to himself, "This source of information, if reliable, would be direct and important; but I will not pursue it because there may be error in it and I may be misled." Should we not say that man has voluntarily hampered himself in his search for the truth; that he ought to follow all channels of inquiry, making allowance for probable error, until he was satisfied that he had exhausted all the means of knowledge available. I have said the course we adopt is unnatural—it has not been the practice of former times or other countries. It was, I believe, introduced into this country about the time of the Revolution, and is a relic of the barbarism which denied the services of counsel to an accused person, and prohibited him from calling witnesses, and which, in civil causes, excluded the evidence of the parties and of all other persons interested, however slightly or remotely, in the subject of the suit. These oppressions have been but gradually relaxed; evidence for a prisoner became, after a long time, receivable, but the witnesses were not allowed to give it upon oath; and it was not until 1 Anne, st. 2, c. 9, that the evidence in favour of a person accused of a capital crime could be so given (and we must not fail to recollect how numerous were capital crimes in those days), whilst it is almost within our own time that the evidence of the parties to civil causes has become admissible. The lawyers of a former generation could have told us how often rights could not be maintained because the necessary evidence was excluded—how often just suits failed at the last moment by some suggestion of interest disqualifying an important witness. Do we not look back with astonishment to the existence of a tribunal which said to those capable of giving the most direct and cogent testimony, "You have or may have some interest, large or little, in the subject of this suit; you may give true evidence, but then also you may give untrue evidence, and we may not find it out, and therefore, whatever the cost or result, we will not hear you." But our concern now is with what can be urged in favour of the exclusion of such evidence in criminal cases. I am satisfied that every argument which can be alleged falls within this proposition—that perjury may be committed and the tribunal may be misled. I put it in this way, that perjury may be committed; because I suppose if the evidence could be relied on as being truthful, it would scarcely be necessary for us to discuss the propriety of admitting it. Nor can I admit any weight in the suggestion (if made) that the exclusion is for the benefit of the prisoner—that would be no argument in its favour. If it favour the guilty, the more reason for abolishing it; let them have justice, but not favour, "*Judex damnatur cum nocens absolvitur.*" If it be said it favours the innocent, I deny the fact; the supposition is wholly incredible. Let us give the accused the option, and not say, "We know better than you what is good for you." He is claiming his natural right, and it is for him, and him alone, to decide whether he will or will not avail himself of it. It may be urged that we shall be dragging confessions from guilty men contrary to the policy of our law, which puts the whole burden of proof on the prosecution—that a man, whilst innocent, may yet, through the terrible anxiety under which he labours, do himself grievous injury when subject to cross-examination—that awful perjury and mental torture will be the result, all which will be infinitely worse than the present system, under which the prisoner gets the benefit of any doubt, and his statement, though not on oath, has full effect with the tribunal. I think there can be no warrant for the assumption that an innocent man would suffer from the admission of his evidence; but let me say that in the inquiries to which I shall presently refer, made by the National Association for the Promotion of Social Science, the question was put whether the practice of admitting such evidence produced any hardship or injustice to the innocent. The answers were almost unanimous that no hardship was produced, and some authorities added that it had proved a great benefit to them. I do not favour the guilty, I wish them punished. I am not much influenced by the prospect of their voluntarily induced perjury and consequent mental anguish. The innocent will, I am persuaded, be gainers; my desire is that they should escape, but equally that the guilty should not. If it be said that a prisoner's statement by himself or counsel has full weight, my argument would not be affected unless it were asserted that such statement has the same weight as his evidence on oath would have. If it have less, he is not on equal terms with his accusers. But if it could be said (as, of course, it cannot) that it has equal weight, the more reason for altering the law; if the mere inventions of the prisoner or his advisers untested by cross-examination are to have any such effect, a most powerful shield is provided for the guilty, which it is unnecessary to give to them as the innocent do not need it. Now, let us consider the supposed reasons for the exclusion. I prefer to take the latter first, "that the tribunal may be misled." The mere statement, I think, exposes its own inherent weakness. In other words, the incompetency of the tribunal to weigh the truth of the evidence is the reason for excluding it—*i.e.*, our machinery for investigating truth is so imperfect, that by reason of its imperfection it must exclude a direct and valuable source of information. Can the incompetency of the tribunal be a reason for depriving a man of a right? Can such a suggestion be entertained for an instant? Have we tried? Have we raised the tribunal to its highest point and found it fail? Is it not the fact that the evidence of prosecutors is sometimes as likely to be tainted as that of the accused? No, this reason cannot be maintained, and we shall see in a moment its effect. Who would commit perjury, the innocent or the guilty? The question answers itself: the innocent suffer on account of the guilty. The same objection about perjury was raised when the evidence of parties to civil proceedings was admitted, and, no doubt, perjury is, in such proceedings, sometimes committed; but do not the interrogation and cross-examination of parties at least as often elicit admissions important to the other side, or break down the case which the evidence is adduced to support? We could not, for a moment, tolerate a return to the old practice. Now, let us consider the first part of the proposition—viz., "that perjury may be committed." To justify itself in any way the law must assume that the evidence is more likely to be untrue than true, and that the court is more likely to be misled than to judge aright. Strong assumptions these, before the evidence has been heard and sifted. Very strong indeed should they be to sanction the exclusion of such evidence as would be true. I wonder what excess of untruthful over truthful evidence we ought to assume as likely to be thrown into the scales of justice in order to justify the exclusion of the truthful evidence! It would be a singular calculation, and then, as we see, all is assumption. I for one am against the rejection of untruthful evidence, by which I mean I would admit as a witness the untruthful man subject to cross-examination; but to reject the truthful evidence of "A." in one matter, because the evidence of "B." in some other matter might be untruthful, and might mislead the court, is plainly injustice, and, of course, assumes that "B.'s" untruthful evidence in his case is more likely to produce a wrong than a right result; another assumption, and, in all probability, utterly erroneous. The cross-examination of "B." is quite as likely to make his evidence help as hinder the ends of justice. I maintain that we must not refuse to admit the true evidence of one man because some other man or any number of other men would in the same or other matters give untrue evidence; and that, as we cannot antecedently tell which men will give true and which false evidence, we must admit the testimony of all. If prisoners will commit perjury, let them take the consequences. Let us employ the best means we can to detect truth or falsehood, and, in the end, we shall find the innocent are helped and the guilty suffer; the latter either will or will not offer themselves as witnesses, and, if they do, they will probably convict themselves; if they do not, that strong support, "My client's mouth is closed," will be removed. I have stated my own conclusions without reference to authorities, but the fact of the introduction of such a clause in the proposed Bill shows that others must entertain a strong view on the subject; and I gather that many of the leaders of opinion amongst our profession support it. The National Association for the Promotion of Social Science has already pronounced in its favour, and that body, as we know, numbers amongst its members many of our leading jurists and law reformers. But that society did more, it caused inquiries to be made of the legal authorities of the various States of the United States of America, in which the practice of admitting the evidence of prisoners has for some years past prevailed; and the answers, giving the experience of chief justices, attorney-generals, and United States judges, were almost unanimously favourable to the change, which they say gives general satisfaction, and occasions no hardship or injustice to the prisoner. The Attorney-General of Massachusetts, where the new practice was adopted in 1866, says, "After thirty years' experience, I know of no change which has been so productive of beneficial results." The Attorney-General of Maine earnestly hopes that the change may be made in the United Kingdom, stating that only professional criminals and gamblers object to it in Maine. The Chief Justice of the same State says:—"A long experience has satisfied me that the admission of the evidence of defendants in criminal cases is absolutely indispensable for the purposes of justice," and he adds, "The change is of infinite advantage to the innocent, the guilty are less able to escape punishment." The proposed provision of the Bill is as follows:—"Section 100.—Every one accused of any indictable offence shall be a competent witness for himself or herself upon his or her trial for such offence, and the wife or husband, as the case may be, of every such accused person shall be a competent witness for him or her upon such trial. Provided that no such person shall be liable to be called as a witness by the prosecutor; but every such witness called and giving evidence on behalf of the accused shall be liable to be cross-examined like any other witness on any matter, though not arising out of his examination in chief. Provided that, so far as the cross-examination relates to the credit of the accused, the court may limit such cross-examination to such extent as it thinks proper, although the proposed cross-examination might be admissible in the case of any other witness." From what I have

already stated, it may be gathered that I do not approve of the concluding provision of the section. I think all persons giving evidence in courts of justice should be placed on the same terms; that any restrictions or qualifications of the mode of receiving or dealing with the testimony of any witness are improper and unsafe. The proviso is open to the objection that it enables the accused to give evidence on more favourable terms than his accusers. This is not desirable. They should be on equal terms, without advantage on either side; and it may be safely left to the presiding judge, without direction or suggestion, to control improper cross-examination, as he would do in any other case. Subject to the last remark, I think the provision of the Bill, if it become law, will be a measure of justice to the innocently accused, and will do no injustice to those who are guilty. It will follow our fundamental maxim of justice, which says, "*Audi alteram partem*," instead of closing his mouth; and if it in any way facilitates our convicting the guilty, surely that is the great object of our criminal law, with all its paraphernalia of judges, juries, magistrates, and police. The Legislature appears disposed to adopt the views which I have put forward. It has already partially done so, as in the recent Explosive Substances Act, 1883 (46 Vict. c. 3). By section 4 of that Act, a person making, or having in his possession, any explosive substance under circumstances giving rise to a reasonable suspicion that it is not for a lawful object, shall, unless he can show that he made it or had it for a lawful object, be guilty of felony, and liable to heavy punishment; and the section contains the following provision:—"In any proceeding against any person for a crime under this section, such person and his wife, or husband, as the case may be, may, if such person thinks fit, be called, sworn, examined, and cross-examined as an ordinary witness in the case." In considering this question, let us be guided by our natural sense of right, unfettered by prejudice, however ancient or honourable, and undeterred by fears as to consequences. I doubt whether we should ever speculate upon the consequences in determining a question of right or wrong; to do so is, in my judgment, to look at the matter from the wrong end. Moreover, we are often likely quite to misapprehend the consequences; they may prove wholly different from our anticipation of them. "Because right is right, to follow right were wisdom in the scorn of consequence." Our opinion will undoubtedly carry much weight, and I shall gladly see it given in favour of removing a long-standing and grave defect in the administration of our criminal law.

Mr. ELLETT (Cirencester) remarked that the Legislature had already admitted the principle in some instances, and it was too late to go back. As a matter of practice many of the judges were in the habit of receiving such evidence, as, for instance, where the statement of an accused was filtered through a policeman. He was opposed to permitting the cross-examination of the accused, for many an innocent person when charged with a criminal offence would be so agitated that the effect of the cross-examination would be that a jury might come to the conclusion that they were guilty.

Mr. KIMBER moved: "That, in the opinion of this meeting, the evidence of accused persons, and of their husbands or wives respectively, ought to be received in all criminal trials, both for and against them, and that the council be requested to do all in their power to have this provision inserted in the Bill for the establishment of a court of criminal appeal, if there be little or no chance of the Criminal Code Bill being passed." Detectives were in the habit of advising low-class practitioners to indict a person who might be called as a witness for the defence for conspiracy with the defendant, and thus much injustice was done.

Mr. LEWIS (Wrexham) seconded the motion. It often happened that when a policeman made a charge against two persons of assault, the mouths of those persons were closed, and the policeman could say what he pleased.

Mr. WHEATCROFT (Bath) spoke of the danger of cross-examination. If there was not a very hard and fast line drawn the counsel could ascertain the whole of the history of the accused, and this would prejudice the jury, and probably the man would be convicted. He suggested that the matter should be left to the council.

Mr. MUNTON (London) moved, as an amendment, "That, in the opinion of this meeting, a person charged with a criminal offence ought to be at liberty to give his own version of the facts, but that he be also liable to examination by the presiding judge or magistrate, though not to cross-examination by counsel."

Mr. DERENHAM (London) seconded the amendment.

The amendment was negatived.

Mr. ELLETT moved, and Mr. LEWIS (Wrexham) seconded, to add to the motion, "And that it is expedient, in the first instance, to embody in the proposed legislation the last proviso of clause 100 of the Criminal Code Bill giving the power to limit cross-examination to credit."

The motion was carried with this addition.

"LEGAL EDUCATION AND A LAW UNIVERSITY."

Mr. JEVONS read a paper on this subject, in the course of which he remarked that:—We are now, probably, at a crisis in the history of English law. On many subjects the old lines are all but, if not entirely, swept away, and a new system has to be created. Who can now say what is the principle of, for example, the law of husband and wife? A modern treatise on law or practice is mostly a copy of one or more statutes or sets of rules of court, with notes, the notes rarely venturing to say how the text is to be interpreted, but confining themselves for the most part to giving the cases hitherto decided on the subject. The manifest tendency of such a state of things is to produce a race of astute quibblers, and not a body of scientific lawyers. The true and only corrective of this tendency is a school of law where, what the moralists call the duties of positive obligation shall be studied, where the history of the law shall be learnt, where the student shall be made acquainted with the laws of other countries, and where, from these materials, scientific principles of law shall be evolved. From such a school would not only proceed more truly learned practitioners, but more sound legislators. At present, for lawyers to condemn proposed legislation has rather the effect of promoting its passing, as they are supposed to be prompted, not by profound knowledge, but by self-interest. Were there a general school or university of law, where law was cultivated as a science, and where laymen were encouraged to study that science as a necessary branch of a liberal education, this state of things would be entirely changed; legislators would be expected to qualify themselves for legislation by study of the laws with which they proposed to deal; and a careful study of past legislation, with its successes and its failures, would prevent their attempting to make laws do what laws cannot do, or attributing every failure to bring human conduct up to some ideal standard of perfection, to some defect in the laws.

LAW LECTURES FOR PROVINCIAL STUDENTS.

Mr. BIDEN (London) read a paper with this title, in the course of which he said:—Taking the figures of the examinations in June and November, 1882, and January and April, 1883, there were 725 candidates who passed the final, 257 being postponed, making a total of 982. For the lectures preceding this period, fifty-six students entered for those on conveyancing, twenty-eight for those on common law, and forty-five for those on equity—*i.e.*, at least seven-eighths of the candidates at the examinations named did not attend a single one of the society's lectures, and not three per cent. attended the whole series. After many and varied inquiries I am satisfied that, except for a month's, a fortnight's, or even less help from a reader (generally and more correctly called a crammer) not a third of those who pass the final examination undergo a thorough and systematic course of reading under proper guidance and advice. What is the reason for this? Too often, I am afraid, the clerk has a strong disinclination to study; often the master has no time to regularly superintend the clerk's reading; often he has not the ability, having confined himself to one branch of his profession. Sometimes, it is true, the student derives help from his students' society; occasionally he attends an isolated lecture. In London, besides the society's twenty-seven lectures of one hour each, the student can attend lectures like those at University and King's Colleges, or classes like those at the Birkbeck Institution; but probably, even if he is aware of them, he considers they will be of no assistance, because they are not specially intended for him. But why not have courses of lectures specially intended for articled clerks? aye, and all over England, wherever a dozen clerks will unite and ask for lectures. You say, "But where will you get the lecturer, and how will you be able to pay him?" There seems to be a prevalent idea that to have a course of lectures by a competent lecturer would be a costly matter; this I hope to show you is a mistake. If our clerks want to be well trained in the law (the reverse seems to be the case at present with the general body) then let them study at our universities and colleges. If, however, it is desired simply to afford our clerks opportunities for increasing their knowledge and bettering their education in legal matters, then I say that there will never be any dearth of competent men, solicitors, willing, nay eager, to lecture for a moderate fee of, say, £30. . . . If some powerful body like the Incorporated Law Society will only lend their sanction and guarantee, to a limited extent, they would afford morally and practically, and at slight expense to themselves, great support and encouragement to a local committee. For instance, suppose the society guaranteed two-thirds of the lecturer's fee and one-third of the local expenses, and that the local committee fixed the fees to students at one guinea, and say they had only twenty subscribers, and the local expenses were £6, then the expense to the society would be two-thirds of the deficiency, £9—*i.e.*, £6 and one-third of £6 = £2, together £8, leaving £7 to be paid by the local committee and their guarantors. With some such liability or responsibility, all local arrangements, the choice of subject, the fees charged to students, &c., might safely be left to the local committee.

Mr. JEVONS moved, and Mr. MILLER (Bristol) seconded, "That this meeting requests that the attention of the council in the ensuing session may be given to the subject of a general system of legal education open to all."

Mr. W. MELMOTH WALTERS said that in 1877 the council had procured the passing of a valuable Act which intrusted to the Law Society the entire control of the preliminary, intermediate, and final examinations. The whole system was now worked by a committee of the council, and the examinations had been considerably improved from time to time. The last addition was the honours examination, which was working remarkably well. Would they do better if they abandoned the present system? An university for the teaching of one subject was a contradiction in terms, and at Oxford and Cambridge and in London law was taught on scientific principles. They did not want a man at the end of his university career to have to commence another university career. Solicitors wanted a practical teaching and training—the practical knowledge to be acquired only in a solicitor's office. The council had taken a great deal of trouble with regard to the lectures and had offered prizes and other inducements, but the difficulty was to create a taste for lectures. He was afraid that the "coach" was abroad to too great an extent. Under present circumstances a man in the profession must arrive at the age of twenty-four years before he earned a sixpence. If he were compelled to add more years of training he would arrive at middle age before earning his bread and butter. He urged them not to create unnecessary machinery with which to drive their young men to a university whether they want it or not. He also urged that if the examinations were taken from the Incorporated Law Society much of their power would be taken from them.

Mr. DODD would be sorry to see the examinations taken from the solicitor branch of the profession. He moved, "That, in order further to

encourage legal study, the council be respectfully requested to insert in any other Bill that may be introduced into Parliament a clause permitting articled clerks who shall take, with the consent of the solicitor to whom he is articled, a degree of laws in any British university, whilst serving under articles of clerkship, to shorten the time of his service to two years."

Mr. BRAMLEY seconded the motion.

Mr. JEVONS, in reply, asserted that it was not examinations, but teaching that was required. The present solicitors were exclusively practitioners, and they did not possess such schools of law here as there were on the Continent. They had no such curriculum as was to be found there. He wanted a school established where law should be studied as a science by men who were not always engaged in the duties of their profession.

Both motions on being put to the meeting were negatived.

Mr. BIDEN moved, "That this meeting is of opinion that means should be considered whereby articled clerks in London and the provinces may be afforded better opportunities for educating themselves by means of lectures and classes, or otherwise."

Mr. OSBALDESTON seconded the motion.

Mr. WALTERS again referred to the difficulty the council felt in creating a taste for lectures. He further stated that if provincial societies were prepared to bear a portion of the expense of lectures, the council were prepared to come forward and help them.

Mr. POPE (Dorchester) asserted that it was absolutely necessary that intending solicitors should have a thorough apprenticeship.

The resolution was negatived.

Mr. E. T. PAYNE (Bath) read a paper on

THE LAW OF LICENCES FOR THE SALE OF INTOXICATING LIQUOR,

in which he suggested the following amendments in the law—viz., 1. That there should be passed a Consolidation Act to regulate the issue of licences for the sale of intoxicating liquors. 2. That every licensee who can show a clean register for a period of, say, fifteen years, should be entitled to the renewal of his licence yearly, as a matter of course. This will correct the anomaly which places the proprietor of a first-class hotel in a position of less security than the holder of a beerhouse license of similar standing. 3. That a licensee should not be liable, as now, to be twice punished for the same offence. At present he may be fined summarily for an offence proved, and at the ensuing licensing session (perhaps months afterwards), may be again tried by a body which did not hear the original evidence, and his licence may be refused as a result. If the magistrates who first hear the charge made are of opinion that its circumstances are sufficiently serious to endanger the licence, they should certify that opinion at once to the whole body, which should be forthwith summoned to consider the case in special session, with power to rehear the evidence, and, if proper, to cancel the licence; their order, in such event, to take effect at once. If the licence be not withdrawn, the justices at the annual licensing session should not have power to review the previous decision. 4. That, in the interest of the public, there should be added to the four grounds of objection to the grant of a new off-licence, already stated, a fifth—That the necessities of the district proposed to be served do not require the issue of an additional licence, such objection not to take effect upon an application for renewal.

A short discussion ensued.

UNFAIR RESTRAINTS UPON DEALINGS WITH LEASEHOLD PROPERTY.

Mr. THOMAS COLBORNE (Newport, Mon.) read a paper on this subject, at the conclusion of which he moved: "That this meeting considers that tenants of mineral and other mercantile properties should be protected from the confiscation of portion of their capital by the enforcement of fines by lessors under covenants in restraint of assignment or underletting, and again recommends the subject to the consideration of the council."

Mr. BRAMLEY seconded the motion, which, after a discussion, was carried.

THE LAW LIST AND THE SOCIETY'S CALENDAR.

Mr. J. MILLER (Bristol) read a paper on this subject, in which he said:—Although ordered beforehand to be sent to me as soon as published, it was not until the end of February last that I received the calendar for 1883, and the 14th of March that I received the *Law List*, or not until eight and ten weeks respectively of the year had passed away, and, regarded in a pecuniary light, one-fifth or 20 per cent., of their value gone. Shortly, too, after the issue of this year's *Law List*, I had occasion to refer to it to ascertain whether a solicitor with whom I was in correspondence had taken out his certificate for the year, authorizing him to practise, and whilst I did not find his name therein, it appeared in the calendar for the year. These matters occasioned my considering whether any and what alterations could be made in future for the earlier publication of these two periodicals, and at the same time whether certain amendments and improvements could not be made therein; and the result appears in the paper I now beg to submit to this meeting, and the resolution which at its close I shall propose. After referring to the statutory powers and arrangements as to the preparation and publication of the *Law List* and the calendar he continued:—What we want is an official annual publication whereby one can tell at once whether a solicitor is or is not duly certificated at any time of the year; and whilst complaining that the present system does not show this, I proceed to show how it can be done with no more expense than at present, and, after the first year of the adoption of the plan, with no more trouble; and I venture to commend the method to the attention of the meeting for its simplicity and perfection. All that is needed is that, instead of solicitors having the month from November 15 to December 15, for the renewal of their certificates and their lasting for twelve months only, in future solicitors as well as conveyancers and special pleaders should have the whole of the month of October (from the 1st to the 31st) within which to renew their certificates and pay the duty, and that the certificate when granted should last down to or expire on the 31st of December of the year following—that is, that a certificate issued and stamped on, say, 31st of October, 1884, should be in force to the 31st of December, 1885, or fourteen months in all, although, as the certificate would have to be renewed every October it would practically be a regularly recurring annual matter at twelve months' interval as at present. Immediately after the 31st of October the List would be closed (the same as it is on the 1st of January at present), and there would then be the two whole months of November and December wherein to print the List in readiness to be issued to the public by the 1st of January, and, as pointed out, the certificate having been in force to the 31st of December, and the same solicitor's name being found in the new *Law List* published on the 1st of January, it would be proof that during no part of the year had the solicitor been uncertificated. If, on the contrary, a solicitor's name did not appear in any particular annual law list, an inquirer would as at present know that during part of the year the solicitor was without a certificate, and he would have to search the register as at present to ascertain when the solicitor obtained a stamped certificate authorizing him to practise and legally charge fees. The advantage and convenience to the profession at large, counsel and solicitors, judges of the superior and county courts, justices and officers of all courts, would be so great that I can hardly conceive of a practical objection being made to the plan suggested. For the first year only of its adoption solicitors would have to pay their certificate duty a few weeks earlier, but ever afterwards at a regular annual twelve-monthly interval as at present. To carry out the change would of course necessitate legislative alteration as to the time of payment of the certificate duty; but this could very easily be done by a section or two in some omnibus Act of Parliament which is passed every session relative to Inland Revenue matters. It could make no difference to the Inland Revenue Commissioners the receiving the duty a few weeks earlier in the year; and that no objection to the change would be made in that quarter is shown by the following letter from the Commissioners to me of the 6th instant, in reply to a letter of mine to them detailing my proposal, and asking whether they saw any and what objection to it, and whether if so requested by the Incorporated Law Society, United Kingdom, the department would assist to carry out the alteration. The reply was as follows:—

"Inland Revenue, Somerset House, London, September 6, 1883.

"Sir,—The Commissioners of Inland Revenue have had before them your suggestion that the duty upon solicitors' certificates should be collected two months earlier than at present with a view to procuring an earlier publication of the annual *Law List*, and they desire me to say that a change of law such as this, affecting as it would the whole profession of solicitors, should in their opinion be submitted to the Incorporated Law Society as the representative body of solicitors throughout the country.

"There would of course be no Revenue objection to the proposal, but the Commissioners of Inland Revenue would not be inclined to take the initiative in recommending such a change.—I am, Sir, your obedient servant,

"John Miller, Esq. "A. A. WATTS."

In acknowledging its receipt I pointed out to the commissioners that any resolutions passed at our annual provincial meetings, took the form of recommendations only to the Council of the Incorporated Law Society, United Kingdom, who would act upon them as they thought fit. It appears from the above letter that all the commissioners suggest is that the matter be submitted to the Incorporated Law Society, United Kingdom, leaving them to take the initiative in recommending the change; and such a recommendation it is, which the resolution I shall have the honour of proposing to you at the close of this paper, will seek to make. I need hardly point out that should the alteration I propose be carried out, the, what I venture to call, rather misleading or differing nature of the Solicitors' List in the calendar would disappear, and it would enable that most useful and elaborate publication to also appear at the commencement of the year, instead of as at present some seven or eight weeks after that time. The "improvements" which I suggest in both the *Law List* and the calendar refer chiefly to the adoption of a plan, where a solicitor describes himself as practising at more than one place, to denote which is his principal place of business where he is usually to be found, and those places where he only occasionally attends, as on weekly or monthly market days, petty sessions, &c. What solicitor is there in moderate practice who has not often been in much doubt in sending perhaps a writ or notice for service, or wanting to write to a strange solicitor in some distant or out of the way place, where, as appears by the *Law List*, there is or are but one or two solicitors whether the solicitor in question actually resides, or has a permanent office or clerk in daily attendance there, and so is able to attend to the required business at once, or whether he only occasionally attends there, whereby a letter may lie several days at the post-office, and the business, however pressing, be unattended to? A couple of examples which happened to myself during the past year occur to my recollection, and gentlemen present of larger practice and experience than myself can doubtless add to them by the dozen. A few months ago I sent a writ of summons for rather a large amount, for service on a defendant, residing in a small town in Pembrokeshire, to the only solicitor there whose name appeared in the *Law List* as practising there and at another place. I did not know at which place the solicitor resided or had his office, but after a week's interval I heard from him at the other place, saying my letter had been sent on to him, and that as he attended at the first-named place to which my letter was addressed only on the weekly market days, he had sent a clerk especially seventeen miles on horseback to serve the writ, charging me 17s. mileage, in addition to the fee for service and letter. The other case was on my sending a writ under similar circumstances for service on a defendant at a

place in Devonshire, where the solicitor wrote to me that, though his name appeared in the *Law List* as practising there, his office really was at a town twenty miles distant, and he only attended at the place I had addressed to on the monthly market days or on special occasions, and so he had sent his clerk a journey of twenty miles by the coach one day to serve the writ, and that the clerk had to sleep out and return the next day, considerately adding that, as probably I might have been misled into supposing he had an office where the defendant lived, he should not charge mileage fees, but only the fares paid out of pocket and for the clerk's lodging and meals. In further illustration of this matter, in the first page of this year's list of country solicitors in both the *Law List* and the calendar, in the first town, and the first name—in fact at the head and front of the list—appears the name of a solicitor (a perfect stranger to me) as practising at *seven* different places. Now I know, from inquiry made, that he resides, and is ordinarily to be found, at one of these seven places only, and that he has no office or clerk at the other six places; so that a person at a distance, not knowing the fact, would in writing or sending to him at one of these six latter places, suffer delay and inconvenience in not finding him there. As stated, I instanced this case owing to the coincidence of its being first page, first place, and first name; but there are other places and parties nearly as remarkable; for instance, in turning over the pages of the *Law List*, I observe a town in Hants where no less than ten of the solicitors there appear as practising at five different places, and another town in Kent where eight of the solicitors figure as practising at five different places, and one of them at six places; and so in many other cases. The object of inserting these different "catch" addresses is obvious. Another class of somewhat similar cases is that of solicitors inserting after their business addresses in the *Law List* and calendar that of the place of their private residence, as though they practised and were open to receive clients and transact business there. Coming, as I do, from the neighbouring city of Bristol, of which city Clifton may be regarded as the West End, in much the same way as Kensington or Belgravia is of London, there are, as appears in this year's *Law List*, no less than twenty-eight solicitors giving their address as practising at Clifton, whereas they all have offices in Bristol only; and as I happen to know nearly all of them personally, I may say that there is not one of them who has the courage to exhibit on his garden gate or front door a brass plate or other notice that Mr. A. B., *solicitor*, resides there, or who would not, after his return from his day's work in the city, almost resent being called out to see a client and advise him on a matter of business, but, on the contrary, would not rather curtly send a message by his servant that he did not see clients at his private house, and that if he wished to see him on business he must call at the office in Bristol next day. I refer to this illustration near home, lest it should be retorted on me that people who live in glass houses should not throw stones. The remedy I propose is that in the slip or application form used on applying for the renewal of the annual certificate, the solicitor or his London agent, where more than one address is given, should expressly state which is his principal place of business, and whether he has a permanent office or clerk at each of the other places named, or whether he only occasionally attends at such other places, and that the result should appear in the *Law List* and calendar by such subsidiary or other places being printed in italics or other differential type, so that it may be seen at once where a solicitor, giving more addresses than one, is likely to be found if needed at short notice. These two matters then, the earlier annual publication of the *Law List* and calendar, and their improvement are what I have assumed, however imperfectly, to bring before you, and whilst making complaint, to point out the remedy. A word more and I have done. I regard "The Incorporated Law Society's Calendar," a book in this the third year of its publication of 1,283 pages, as a monument of labour and enterprize and worthy of all support, but regret to see that it and the *Law List* have so much in common to the manifest prejudicial usefulness and pecuniary disadvantage of each other, and to express the hope that the time is not far distant when the calendar will supplant the *Law List*. Indeed, whilst the Incorporated Law Society already perform the office of Registrar of Solicitors, why should it not also fulfil the office of Registrar of Stamped Certificates? It seems in these utilitarian days a sheer waste of time, labour, and money to divide duties which might be better united. Mr. Miller proposed the following resolution:—"That the earlier annual publication of the *Law List* and 'The Incorporated Law Society's Calendar' and their improvement as proposed in the paper now read, is desirable, and appears feasible and commends itself to the judgment and approbation of this meeting, and that the Council of the Incorporated Law Society of the United Kingdom be recommended and requested at their earliest convenience to take the necessary steps to bring about the alterations indicated."

The CHAIRMAN, in explanation, stated that the delay referred to was owing to the fact that the scheme of the calendar was then undergoing revision, so that instead of simply containing the names of members of the society, the names of all practising solicitors were inserted. The society had nothing to do with the *Law List*, which was a private speculation. The matter of the several addresses had not escaped the council's attention, and a circular had been prepared to send to solicitors with more than one address with a view of ascertaining which of them were *bonâ fide*, and correcting them in any subsequent edition.

Mr. MUNTON said he had promised to second the resolution, but he thought after the chairman's remarks it might well be withdrawn.

Mr. MILLER agreed to this course, and it was accordingly withdrawn.

A supplemental meeting was held in an adjoining room on Wednesday afternoon under the presidency of Mr. Joseph Dodds, M.P. for Stockton-on-Tees.

COUNTY COURTS AND CHEAP LAW.

Mr. F. H. CANDY (Southampton) read a paper on this subject, in which he remarked that no reform would be of any service which did not include the following points: (1) A large reduction in court fees; (2) better regulated sittings; (3) less waste of judicial strength; (4) increased facilities for enforcing the speedy payment of judgment debts.

Mr. MUNTON suggested that no resolution should be passed inasmuch as a committee of the society had already discussed the matter and presented a report upon it which had probably escaped Mr. Candy's attention.

Mr. W. W. YOUNG agreed in the main with the report of the committee, but thought that upon one or two matters further particulars might be reported. He advocated the reduction of the court fees.

Mr. C. FORD called attention to a grievance under one of the sections of the Act which precluded one solicitor from instructing another to appear in the county court. He hoped the chairman, as a member of the House of Commons, would give his attention to the subject.

Mr. MCLELLAN (Rochester) was opposed to giving registrars power to decide any case where the sum of forty shillings or upwards was in dispute.

Mr. WOODHOUSE pointed out that although some of the things complained of could be remedied by statute, many could be altered with the consent of the judges themselves.

The CHAIRMAN said that it was for the solicitors themselves to decide what alterations were necessary in the Acts. There had been no session for the last sixteen years that had not seen one or more Bills for the amendment of the administration of the law in county courts. Very much might be done by the judges themselves in the matters complained of.

THE LONG VACATION.

Mr. C. FORD (London) read a paper on this subject, at the conclusion of which he moved: "That the interests of suitors call for a reduction of the Long Vacation, and that greater facilities ought to be given during such vacation, as shortened, for the dispatch of business in the offices and chambers of the courts, and that a copy of this resolution be placed before the Lord Chancellor."

The motion was seconded by Mr. KIMBER, and after a short discussion, the last two lines were struck out from the word "courts," in which form it was carried.

SOME REMARKABLE DECISIONS AFFECTING RAILWAY PASSENGERS.

Mr. MUNTON read a paper on this subject, in which, after an interesting discussion of the decisions, he concluded:—The object of my paper is to urge that in the interests of the public, who in some shape or other are our clients, it cannot be too generally known that, in spite of all the specious devices of railway companies to endeavour to induce people to suppose that they are entitled to override the law of the land, no such right exists. The only true remedy, I contend, is to make it penal to publish "regulations" judicially decided to be illegal, and to give the passenger the same facilities for securing a summary decision when the companies are in fault as they are entitled to against the passenger. The absence of these reciprocal rights practically precludes many an aggrieved person from obtaining redress in the case of habitual unpunctuality and other daily breaches of contract, and I hope that the time is at hand when the whole question will be considered in Parliament, and a satisfactory solution arrived at, alike fair to the companies and their customers.

A short discussion followed.

DE OMNIBUS REBUS.

A paper with this title was read by Mr. DEBENHAM, who said, in the course of it:—The most difficult thing is, to my mind, keeping clients. You may do your best. If you lose a case, after giving satisfaction for years, you may lose your client too. Nay, you may lose him because he recommends somebody who employs you and is not satisfied with the result of your labours. I have lost one through this cause. Another because I told him (four years ago) that having bought his house and left some of the money on mortgage, he could not safely grant a lease without the mortgagee's concurrence. Another left me (a native of this town, and perhaps the most eminent one now living) because I advised him to get an injunction against a noisy neighbour instead of buying the latter out. He did neither, but removed from the neighbourhood. The most provoking cases are, however, with women, who in legal matters prove continually the weaker sex, and who will not be advised, or who will break down before the course is run. I have found this over and over again in divorce actions, and if time permitted could give details of several cases in point. The most capricious clients are mercantile men, with debt-collecting business. I actually lost one of these through his being got hold of by the solicitor opposed to us in a county court case which I won. This gentleman has since been struck off the rolls. Another was beset three times in one year, and at last carried off by a trade protection society; and how much business goes astray in this way we cannot tell. One thing, however, is worth remembering, and which was imparted to me ten years ago by a gentleman who is at this meeting, and who has been presented with a testimonial gold watch by a grateful client. It is this, never neglect any client, however poor or insignificant; perhaps I should rather say especially if poor or insignificant. It is a golden maxim. "Genius," a great writer has said, "is the art of taking pains," and when we consider that, even when the best is done, the result may be adverse, it becomes incumbent to see that we really do our best. No doubt we are beset by difficulties, and clients are but human, in fact "so very human." The consolation is that "Clients come and clients go, and we go on for ever." But, like the brook, we have an occasional eddy such as this, when we can pause in our career, and come here for a friendly gathering.

VOTES OF THANKS.

Votes of thanks were then passed with great cordiality as follows:—To the mayor for the use of the Guildhall; to the President and Council of the Bath Law Society; to the Somersetshire Law Society for their invitation to Glastonbury and Wells on the following day; to the readers of papers, and to the chairman.

A dinner was given in the Assembly Rooms at the Guildhall on Tuesday evening, at which Mr. BURNE, President of the Bath Law Society, took the chair. About three hundred guests sat down. A smoking concert followed.

On Wednesday a reception was held at the Assembly Rooms; and on Thursday a number of excursions were made to places of interest in the neighbourhood, in accordance with the programme published in our last issue.

LAW STUDENTS' JOURNAL.

LAW STUDENTS' DEBATING SOCIETY.

The first meeting of the forty-eighth session of this society was held on Tuesday, the 16th inst., at the Law Institution. Mr. E. G. Spiers was elected treasurer in the place of Mr. Bartlett, resigned, to whom a vote of thanks was passed for services rendered during his term of office. Mr. Strickland opened the question, "That the vacillating policy of the Liberal Government in South Africa deserves censure," in the affirmative. and Messrs. Sargeant, Gwynne, Griffith, Stanley, Randolp, and Elmslie took part in the discussion which followed. On the question being put it was carried by a large majority in the affimative.

BIRMINGHAM LAW STUDENTS' SOCIETY.

The 728th ordinary meeting of this society was held at the Law Library, Bennett's Hill, on Tuesday, October 16, J. Walford, Esq., in the chair, when the moot point discussed was:—"Was the decision in the case of *Talbot v. Frere* (L. R. 9 Ch. D. 568), that a mortgagee of personalty cannot tack subsequent debts by simple contract, correct?" Speakers in the affirmative, Messrs. Jeffrys, Brady, and Graham; negative, Messrs. Martineau, Lewis, Cattell, and A. H. Caley. The chairman having summed up, put the question, which was decided in the negative.

LIVERPOOL LAW STUDENTS' ASSOCIATION.

On Monday evening, the 15th inst., in the Law Association rooms, 14, Cook-street, in connection with the above association, the trial of the imaginary action of *William Jerry* v. *Thomas Stone* took place. The proceedings began at 6 p.m., when Mr. W. J. Stewart, barrister-at-law, took his seat upon the bench as judge, and the names of the jurymen having been called over, twelve were selected by ballot and placed in the jury box. Messrs. T. S. Mills (solicitor) and T. H. Thornely, instructed by Mr. A. W. Birkett, were the counsel for the plaintiff, and Messrs. J. McKenna (solicitor) and C. J. Whitfield, instructed by Mr. R. W. Baxter, appeared on behalf of the defendants. Mr. Thornely, in opening the pleadings, stated that this was an action brought by the plaintiff, William Jerry, a builder, carrying on business in Liverpool, against the defendant, Thomas Stone, who was a mason, formerly in the plaintiff's employ, for £150 damages, in respect of certain alleged slanderous statements made by the defendant to a Mr. John Smyth, who was a cotton broker, residing at Allerton, and to his son-in-law, Mr. Richard Brown. The statements were to the effect that whilst the plaintiff was executing certain work at Mr. Smyth's house, he stole some hay and corn, and also that, when he was putting down a drain for a Mr. Jones, of Robey, he used "some rotten old pipe." In consequence of these statements, the plaintiff alleged that he had lost the benefit of two contracts which had been offered him, and had been blackballed at the Beaconsfield Conservative Club, and had lost the society of some of his friends. The defendant denied having made the statements, and further pleaded that the same, if made, were privileged communications, and were true in substance and in fact, and denied that the plaintiff had sustained any damage thereby. Mr. Mills having addressed the jury, called the following witnesses in support of the plaintiff's case:—Messrs. John Smyth, Richard Brown, William Jerry, James Jerry, James Clover, Edward Johnson, and Edwin Jones. After the plaintiff had given his evidence, the court rose for twenty minutes, during which time refreshments were served in an adjoining room, and handed round. At the conclusion of the plaintiff's case, Mr. McKenna opened on behalf of the defendant, and proceeded to call the following witnesses:—Thomas Stone, Thomas Davies, and William McFarlane. At this point counsel, after consulting together, stated that they had induced the parties to agree to an amicable settlement, and it was ultimately arranged that a juror should be withdrawn.

The proceedings, which lasted for about three hours, were listened to with great interest and attention by those present, amongst whom were the president (Mr. H. W. Collins, solicitor) and many other solicitors and a large number of ladies. It is estimated that there were upwards of three hundred persons present.

THE BOARD OF TRADE AND TRUSTEES IN BANKRUPTCY.

THE Secretary to the Board of Trade is issuing to all whom it may concern the following letter:—

"Sir,—I am directed by the Board of Trade to call the attention of trustees and others interested under the Bankruptcy Acts to the provisions of the 162nd section of the Bankruptcy Act, 1883, which are now in force.

"In virtue of these provisions every trustee or other person having in his hands, or under his control, any undistributed funds received under the Acts referred to is bound to pay into the Bankruptcy Estates Account, at the Bank of England—1. All unclaimed dividends or other distributable funds which have remained unpaid for six months and upwards. 2. All other funds which have remained undistributed for two years and upwards.

"The Board of Trade are also empowered under this section to order any such trustee or other person to submit to them an account, verified by affidavit, of the sums received and paid under or in pursuance of such Acts, and to direct and enforce an audit of the account. In accordance with this power, I am directed to request that you will at your early convenience forward to me a list of all proceedings (not being proceedings under an adjudication of bankruptcy) under any of the Acts mentioned in the Fourth Schedule of the Bankruptcy Act, 1883, in which you are acting or have acted as a trustee, together with a statement of the particulars of the same, as set forth in the accompanying form.

"I am to add that while the Board of Trade are desirous of minimising the inconveniences which would result to trustees from a detailed audit of all accounts, they rely on the prompt co-operation and assistance of such trustees in placing them in a position to carry out the duties imposed upon them by the Act."

LEGAL APPOINTMENTS.

Mr. HENRY SAYER, solicitor, has been appointed Deputy Town Clerk the Borough of Sheffield. Mr. Sayer was admitted a solicitor in 1880, and has for some years past been chief clerk in the town clerk's office, Sheffield.

Mr. HENRY DARVILL, solicitor (of the firm of Darvill & Last), of Windsor, has been unanimously elected Clerk of the Peace for that borough, in succession to his father, the late Sir Henry Darvill. Mr. Darvill is registrar of the Windsor County Court. He was admitted a solicitor in 1859.

Mr. GEORGE HENRY LONG, solicitor (of the firm of Long, Durnford, & Lovegrove), of Windsor, has been elected Town Clerk of that borough, in succession to the late Sir Henry Darvill. Mr. Long was educated at Eton. He was admitted a solicitor in 1846, and he is clerk to the county magistrates, and to the Commissioners of Taxes for the hundred of Stoke, clerk to the Windsor Board of Guardians, and superintendent registrar.

Mr. GEORGE BUTTLER KENNETT, solicitor, of Norwich, has been appointed a Notary Public.

Mr. JOHN WELLS, solicitor, of Ely and Aylsham, has been appointed Registrar of the Aylsham County Court (Circuit No. 32), in succession to Mr. John Baseley Tooke Hales, resigned. Mr. Wells was admitted a solicitor in 1877.

Mr. SIDNEY SMITH, of 1, Furnival's-inn, E.C., and Brooklands, West Hampstead (who is on the board of directors of the Solicitors' Benevolent Association), has just been elected Master of the Worshipful Company of Farriers for the current year, being the third time that he has been chosen to that position.

Mr. J. H. KAYS (of the firm of Kays & Jones), of 2, New-inn, Strand, and Mr. W. H. HERBERT, of 6A, Vigo-street, Regent-street, have been chosen Wardens of the Company.

Sir ADAM GIB ELLIS, Chief Justice of the Mauritius, has been appointed Chief Justice of the Colony of Jamaica, in succession to Sir John Lucie Smith, deceased. Sir A. Ellis was admitted a member of the Faculty of Advocates in Scotland in 1866. He was appointed a puisne judge of the Supreme Court of the Mauritius in 1876, and Procureur and Advocate-General in the following year. He became Chief Justice of the Mauritius in 1879, and he received the honour of knighthood in 1882.

Mr. ETIENNE PELLEREAU, Procureur and Advocate-General for the Colony of Mauritius, succeeds Sir Adam Ellis as Chief Justice of that colony. Mr. Pellereau was called to the bar at the Middle Temple in Hilary Term, 1860. He was appointed Procureur and Advocate-General for the Mauritius in 1878.

Mr. EDWIN LEE MICHELL, solicitor (of the firm of Ransom & Michell), of Wellington, has been appointed clerk to the Thorne St. Margaret School Board. Mr. Michell was admitted a solicitor in 1878.

Mr. DAVID BEVAN TURBERVILLE, solicitor, of Neath, Aberavon, Pontardawe, and Ystradgunlais, has been appointed Clerk to the Ystradgunlais School Board. Mr. Turberville was admitted a solicitor in 1872. He is clerk to the Neath Board of Guardians and Highway Board, superintendent registrar, and clerk to the Ystradwelta, Languicke, and Higher Dulais School Boards.

Mr. Archibald George Bovill, barrister, who has been appointed Deputy-Clerk of Assize and Clerk of Arraigns on the Western Circuit, in succession to Mr. Joseph Hollick Tickell, deceased, is the son of the late Lord Chief Justice Bovill. He was called to the bar at the Middle Temple in June, 1876,

Mr. John Stratford Dugdale, Q.C., has been elected Chairman of Quarter Sessions for Warwickshire. Mr. Dugdale is the second son of the late Mr. William Stratford Dugdale. He is a graduate of Merton College, Oxford, and he was called to the bar at the Inner Temple in Trinity Term, 1862. He was created a Queen's Counsel in 1882, and he practises on the Midland Circuit and at the parliamentary bar. Mr. Dugdale was recorder of Stamford from 1874 till 1877, when he was appointed recorder of Birmingham.

DISSOLUTION OF PARTNERSHIP.

George Walter Glynne Beaumont, and Herbert Mortlock, Grantham solicitors (Beaumont & Mortlock). Aug. 14. [*Gazette*, Oct. 16.]

LEGAL NEWS.

Lord Coleridge's reception by the Bar Association of New York is stated to have been a magnificent affair, over 2,000 persons attending, including the leading people of the city, with the judges and prominent lawyers. Lord Coleridge was warmly received, but the great crowds prevented the formal presentations which were originally intended. After the speech-making was finished it is stated that the learned Lord Chief Justice "shook hands with the pressing crowd until fatigued." The trustees of the University of Pennsylvania entertained Lord Coleridge at dinner on Monday evening, 125 prominent persons being present, including the leading lawyers, clergy, physicians, and merchants, and the city officials.

We are informed that the will and codicil, both executed the 20th of August, 1883, of the late Sir Francis Savage Reilly, Q.C., K.C.M.G., the eminent parliamentary draftsman, were proved on the 21st of September by Nathaniel Tertius Lawrence, Esq., one of the executors. The personalty was sworn under £95,000. The other executor is Mr. E. P. Wolstenholme, the well-known conveyancer. Testator gives his freehold and leasehold houses and lands at Sandgate to his two sisters, and legacies to relatives, executors, clerks, servants, and others. The residue goes to his brother, General Reilly, C.B., of the War Office, and his said two sisters. As evidence of the testator's kindliness of heart it is worthy of note that even the "office boy" comes in for a windfall in the shape of a year's salary.

In the course of an interesting lecture on the law relating to patents as altered by the new Act, delivered at King's College on Wednesday night by Mr. John Cutler, Professor of Law, the learned lecturer said: "I now wish to say a very few words about a most important change which has been effected in the practice relative to the opposition to the grant of a patent. The 27th and 28th sections of the new Act provide for the advertisement of a complete specification when accepted, and that the specification is to be open to public inspection, and that within two months from the advertisement any person is to be at liberty to give notice of opposition to the grant of the patent, but only on one of the three following grounds: The applicant having obtained the invention from him or from a person of whom he is the legal representative, or that the invention has been already patented in this country, or that an examiner has reported to the comptroller that the specification appears to him to comprise the same invention as is comprised in a previous specification bearing the same or a similar title. Then the opposition is to be heard and determined by the comptroller, subject to an appeal to the law officers of the Crown. Of course the result of these proceedings will determine whether or not a patent is granted. At present the opponent to the grant of a patent, not having access to the provisional specification of the applicant, and therefore having nothing but the title to guide him, has generally to grope in the dark. For the future a would-be opponent having access to the specification will know at once whether he has any chance of succeeding with his opposition or not. The new law may, therefore, be expected to check oppositions at all events by *bond fide* opponents; but, on the other hand, it is not improbable that the access to the specification will encourage *mald fide* oppositions, especially to patents of what may be termed dubious validity."

The Metropolitan Freehold Land Company (Limited).—Under this title is issued the prospectus of a new freehold land company, offering for subscription 30,000 shares of £5 each. The prospectus states: The special features of this company are—(1) dealing in freehold building land only; (2) granting perpetual leases, subject only to the payment of the ground-rents; and, lastly, the payment of dividends while the estates are being laid out for building purposes. The company will therefore have the best security for its capital, and in the next place the facilities to persons taking sites are far greater than is usual in land companies. The company has purchased in several of the rising suburbs of London 465 acres of specially eligible land, and intend to develop it at once; but while the process of creation of ground-rents and sales is going on, the shareholders will receive five per cent. per annum for five years, from a fund invested in Consols in the names of the shareholders' trustees. The lists for the first issue close on Monday for London, and Tuesday for the country; and there will doubtless be a considerable demand for shares in this promising undertaking.

COURT PAPERS.

SUPREME COURT OF JUDICATURE.

Rota of Registrars in attendance on

Date.	Court of Appeal.	V. C. Bacon.	Mr. Justice Kay.
Thursday, Oct..... 25	Mr. Clowes	Mr. Lavie	Mr. Ward
Friday..... 26	Koe	Carrington	Pemberton
Saturday..... 27	Clowes	Lavie	Ward
	Mr. Justice Chitty.	Mr. Justice North.	Mr. Justice Pearson.
Thursday, Oct..... 25	Mr. Cobby	Mr. King	Mr. Teesdale
Friday..... 26	Jackson	Merivale	Farrer
Saturday..... 27	Cobby	King	Teesdale

COMPANIES.

WINDING-UP NOTICES.

Joint Stock Companies.

Limited in Chancery.

Emmerson, Murgatroyd, and Company, Limited.—By an order made by Butt, J., dated Oct 3, it was ordered that the voluntary winding up of the company be continued. Webb and Co, Queen Victoria st, solicitors for the petitioner

General Horticultural Company (John Wills), Limited.—The Vacation Judge has, by an order dated Aug 22, appointed Frederick Whinney, 8, Old Jewry, to be official liquidator in the place of Henry Smith and George Stagg

Mulhausen Steam Tramway Company, Limited.—Petition for winding up, presented Oct 3, directed to be heard before Kay, J., on Saturday, Nov 3. Beall and Co, Queen Victoria st, solicitors for the petitioner

[*Gazette*, Oct. 12.]

Brush Electric Light and Power Company of Scotland, Limited.—Petition for winding up, presented Sept 29, directed to be heard before Chitty, J., at the Royal Courts of Justice, on Nov 3. Linklater and Co, Walbrook, solicitors for the petitioners

East Van Mining Company, Limited.—Butt, J., has fixed Oct 25 at 11.30, at the chambers of Kay, J., Royal Courts of Justice, for the appointment of a liquidator in the place of Mr James Waddell

Ground Rent and Mortgage Investment Company, Limited.—Petition for winding up, presented Oct 11, directed to be heard before Kay, J., at the Royal Courts of Justice on Saturday, Nov 3. Freeman and Winthrop, Bedford-row, solicitors for the petitioner

South East Wynaad Estates and Gold Mining Company, Limited.—Petition for winding up, presented Oct 16, directed to be heard before Pearson, J., on Nov. 3. Gregson, Angel ct, Throgmorton st, solicitor for the petitioners

[*Gazette*, Oct. 16.]

Unlimited in Chancery.

Lea Bridge, Leyton, and Walthamstow Tramways Company.—Petition for winding up, presented Oct 9, directed to be heard before Bacon, V.C., in the Royal Courts of Justice, on Saturday, Nov 3. Tibbits and Son, Field ct, Gray's inn, solicitors for the petitioners

[*Gazette*, Oct. 12.]

Friendly Societies Dissolved.

Hainford Provident Society, Maid's Head Inn, Hainford, Norfolk. Oct 15.

[*Gazette*, Oct. 16.]

SALES OF ENSUING WEEK.

Oct. 23.—Messrs. Farebrother, Ellis, Clark, & Co., at the Mart, at 2 p.m., Freehold Estate (see advertisement, Oct. 6, p. 4).

Oct. 24.—Messrs. Edwin Fox & Bousfield, at the Mart, at 2 p.m., Freehold Properties (see advertisement, Sept. 29, p. 4).

BIRTHS, MARRIAGES, AND DEATHS.

BIRTH.

Schooles.—Sept. 27, at Fort Cottage, Grenada, West Indies, the wife of the Hon' H. R. Pipon Schooles, Attorney-General of Grenada, of a daughter.

MARRIAGE.

Boyd—Denny.—Oct. 10, at Exeter, Archibald Henry Boyd, of 4, Sussex-gardens, Hyde-park, barrister-at-law, to Gertrude Honora Frances, daughter of the late Rev. R. D. Denny.

DEATHS.

Forster.—Oct. 13, at 40, Wilhelmstrasse, Wiesbaden, Ralph William Elliott Forster, of Lincoln's-inn, barrister-at-law, aged 68.

Norton.—July 13, at 11, Pen-y-wern-road, Earl's Court, John Bruce Norton, barrister, and late Advocate-General of Madras, aged 68.

LONDON GAZETTES.

Bankrupts.

Friday, Oct. 12, 1883.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Beauclerk, Frederick Amelius, Jermyn st, St James', Gent. Pet Oct 8 Brougham Oct 23 at 12

Jackson, Thomas Mackwood, Caledonian rd, Islington, Butcher. Pet Oct 10. Brougham. Oct 24 at 12

To Surrender in the Country.

Barr, Harry, Church rd, Hendon, Coal Merchant. Pet Oct 9. Boyes. Barnet, Nov 6 at 11
Hallett, James, Dudley, Worcester, Licensed Victualler. Pet Oct 11. Walker. Dudley, Oct 23 at 11
Hunt, George W , Hove, Brighton. Pet Oct 8. Jones. Brighton, Oct 31 at 12
Rogers, Thomas, Breamore, Southampton, Farmer. Pet Oct 9. Wilson. Salisbury, Oct 26 at 2
Walke, George, Turnchapel, near Plymouth, Carpenter. Pet Oct 10. Edmonds. East Stonehouse, Nov 1 at 12
Want, John Henry, Great Yarmouth, Builder. Pet Oct 8. Worlledge. Great Yarmouth, Oct 26 at 11
Wilkinson, John, Bradford, York, Finisher. Pet Oct 8. Lee. Bradford, Oct 23 at 12

TUESDAY, Oct. 16, 1883.

Under the Bankruptcy Act, 1869.

Creditors must forward their proofs of debts to the Registrar.

To Surrender in London.

Walker, Robert, Buckingham st, Adelphi. Pet Oct 12. Brougham. Oct 30 at 11

To Surrender in the Country.

Barney, Henry, Thame, Oxford, Innkeeper. Pet Oct 11. Watson. Aylesbury' Nov 5 at 11
Bennett, William, Birkenhead, Licensed Victualler. Pet Oct 13. Williams. Birkenhead, Nov 1 at 11
Bird, John, and Robert Calderwood, Rowley Regis, Stafford, Colliery Lessees. Pet Oct 11. Walker. Dudley, Oct 30 at 12
Clibbett, Richard, Upper Eastville, Gloucester, Commission Agent. Pet Oct 13. Harley. Bristol, Oct 29 at 2
Cooch, Herbert, Billericay, Essex, Plumber. Pet Oct 13. Duffield. Chelmsford, Oct 27 at 11
Cook, Thomas, Kesgrave, Suffolk, Innkeeper. Pet Oct 13. Grimsey. Ipswich, Oct 29 at 11
Evans, John, Swansea, Brewer. Pet Oct 11. Jones. Swansea, Oct 31 at 12
Fisher, Robert, Newton Heath, nr Manchester, Joiner. Pet Oct 12. Lister. Manchester, Oct 29 at 2
Jackson, J. K., Albert rd, Teddington, Gent. Pet Oct 2. Bell. Kingston, Oct 30 at 4
Mist, Charles Henry, Newington next Sittingbourne, Kent, Manager. Pet Oct 11. Hayward. Rochester, Oct 29 at 2
Rush, Michael Thomas, Bradford, York, Fruit Salesman. Pet Oct 11. Lee. Bradford, Oct 30 at 12
Ryley, George, Marymount, Liscard, Chester, Average Adjuster. Pet Oct 12. Williams. Birkenhead, Nov. 1 at 11
Wood, Joseph, Nottingham, Lace Manufacturer. Pet Oct 10. Patchitt. Nottingham, Nov 9 at 2.30

BANKRUPTCIES ANNULLED.

TUESDAY, Oct. 16, 1883.

Robey, Joseph, Holloway rd, Islington, Furniture Dealer. Oct 10

Liquidations by Arrangement.

FIRST MEETINGS OF CREDITORS.

FRIDAY, Oct 12, 1883.

Allen, William John, St John's sq, Clerkenwell, Velvet Worker. Nov 5 at 12 at office of Ladbury and Co, Cheapside. Carter and Barber, Austin Friars
Bambury, Joseph James, Southgate, Builder. Nov 1 at 3 at office of Montagu, Bucklersbury
Baskerville, Francis, Bristol, Nurseryman. Oct 24 at 2 at office of Brittan and Co, Small st, Bristol
Batty, George, Bradford, Fancy Goods Buyer. Oct 27 at 11 at office of Last and Betts, Bond st, Bradford
Best, William Martin, Stockton on Tees, Solicitor. Oct 19 at 3 at office of Draper, Finkle st, Stockton on Tees
Beverley, Granville George Alan, Silver st, Notting hill, Fishmonger. Oct 29 at 12 at office of Beard and Sons, Basinghall st
Birkett, George, Tottenham, Baker. Oct 18 at 1 at office of Smyth, Bow st, Covent Garden
Bolland, Henry, Morecombe, Lancaster, Toy Dealer. Oct 26 at 11 at office of Harding and Co, Princess st, Manchester
Bowden, Charles, Bristol, Smith. Oct 20 at 12 at office of Andrews, Nicholas st, Bristol. Essery, Bristol
Brydie, James, Longton, Tailor. Oct 23 at 12 at 7, Normacott rd, Longton. Adderley and Marfleet, Longton
Carter, William, Newtown, Montgomery, Greengrocer. Oct 19 at 12.15 at office of Woosnam, Bank chbrs, Newtown
Cartlidge, Samuel, junr., Burslem, Stafford, Beerseller. Oct 24 at 11 at office of Salt, Market st, Tunstall
Caugher, Alexander Sloane, Stoke Newington, Architect. Nov 1 at 2 at office of King, North bldgs, Finsbury circus
Cayley, John, Odiham, Hants, Farmer. Oct 29 at 3 at Barge Inn, Basingstoke. Newman, Reading
Charnley, James, Millom, Cumberland, Hotel Keeper. Oct 30 at 1 at Station Hotel, Millom. Thompson, Kendal
Cullwick, Michael, John Ashmore Cullwick, and Charles Reeves Cullwick, Birmingham, Sugar Merchants. Oct 23 at 3 at office of Cottrell, Temple row, Birmingham
Embleton, John, South Gosforth, Northumberland, Innkeeper. Oct 25 at 3 at office of Stobo, Grainger st, West, Newcastle upon Tyne
Emms, Mary, Broadway, Worcester, Butcher. Oct 26 at 11 at office of Byrch and Cox, North ter, High st, Evesham
Fletcher, Thomas, Wolsingham, Durham, Innkeeper. Oct 26 at 02 at office of Proud, Market pl, Bishop Auckland
Freeman, Joseph William, Battersea-park rd, General Salesman and Pawnbroker Nov 1 at 12 at Masons' Hall Tavern, Masons' avenue, Basinghall st. Oldacres and Co, Gresham st
Fudger, Frederick, Northampton, Leather Dresser. Oct 24 at 3 at office of Andrew, Market sq, Northampton
Gambell, Jesse, Brentwood, Essex, Grocer. Nov 1 at 3 at office of Ford and Co, Queen Victoria st. West and Co, Cannon st
Gibbing, Henry, Carlisle st, Marylebone, Coal Dealer. Oct 17 at 11 at office of Goatley, Tavistock row, Covent Garden
Green, William, Rock Ferry, Chester, Baker. Oct 29 at 2 at office of Knowles, Cook st, Liverpool
Hawthorn, Frederick, Feckenham, Worcester, Needle Finisher. Oct 25 at 11 at Unicorn Hotel, Redditch. Browning, Redditch
Hayward, Horatio William, Tynemouth, Northumberland, Licensed Victualler. Oct 23 at 2 at office of Hoyle and Co, Westgate rd, Newcastle upon Tyne
Jacobson, Annie, Oxford st, Dealer in Works of Art. Nov 7 at 3 at office of Lewis and Lewis, Ely pl, Holborn
Jennings, Andrew, Newcastle upon Tyne, Provision Dealer. Oct 24 at 2 at office of Hoyle and Co, Westgate rd, Newcastle upon Tyne
Kenway, Catherine Ransome, Ealing, School Mistress. Oct 26 at 2 at office of Gresham and Davies, Basinghall st
Langman, Peter, Chatteris, Cambridge, Chemist. Oct 27 at 3 at office of Ruston, Chatteris
Lark, James, Gt Yarmouth, Licensed Victualler. Oct 26 at 12 at office of Harmer and Ruddock, Hall plain, Gt Yarmouth
Lees, Daniel, Oldham, Builder. Oct 25 at 3 at office of Watson, Church lane, Oldham
Lonsdale, William, Padiham, Lancaster, Wine and Spirit Merchant. Oct 26 at 3 at Railway Hotel, Lime st, Liverpool. Sutcliffe, Burnley
Marchant, David, Old Malton, York, Innkeeper. Oct 24 at 12 at Wentworth Arms Inn, Old Malton. Wilkinson, York
Marland, John, Preston, Lancaster, Builder. Oct 26 at 2.30 at office of Paitson, Irish st, Whitehaven
Mash, Henry, Cold Harbour lane, Brixton, Fruiterer. Oct 22 at 2 at office of Parker and Ponsford, Finsbury pavement
Mayor, George, Worksop, Nottingham, Auctioneer. Oct 25 at 11.30 at Criterion, Bridge st, Worksop. Whall
McDowell, Robert, and George Dawson, Lordship grove, Lordship rd, Stoke Newington, Contractors. Oct 24 at 2 at office of Pearpoint and Lock, Pall Mall
Moore, Edwin, Charlton Kings, Gloucester, Boarding House Keeper. Oct 22 a 11 at 56, Regent st, Cheltenham. Chesshyre
Morgan, Alexander Strang, Leeds, Chromo-Lithographer. Oct 25 at 1 at office of Rooke and Midgley, White Horse st, Boar lane, Leeds
Morgan, Daniel, Llancalach, Glamorgan, Draper. Oct 23 at 12 at office of Collins, Broad st, Bristol. Beckingham, Bristol
Morris, John, Broadfield, nr Heywood, Lancaster, Grocer. Oct 25 at 3 at offices of Anderton and Donnelly, Garden st, Bury
Oakes, Mary, Woodstone, Huntingdon, Brickmaker. Oct 24 at 3.30 at Rose and Crown Inn, Broad Bridge st, Peterborough. Gaches, Peterborough
Oakes, Robert, Woodstone, Hunts, Brickmaker. Oct 24 at 3 at Rose and Crown Inn, Broad Bridge st, Peterborough. Gaches, Peterborough
Pezet, Julius Louis, Chesterfield st, King's Cross, Fancy Goods Importer. Oct 22 at 2 at 270, High Holborn. Harding and Michell, Bucklersbury
Pilkington, Alexander, jun, Blackpool, General Smallware Dealer. Oct 29 at 2 at office of Ward, Clifton chbrs, West st, Blackpool
Plummer, Alexander, Croydon, Butcher. Oct 24 at 3 at office of Fowler and Co, Borough High st, Southwark
Procter, Henry, and Edmund Procter, Newcastle upon Tyne, Millers. Oct 24 at 11 at office of Watson and Dendy, Pilgrim st, Newcastle upon Tyne
Roberts, John, Hackney rd, Earthenware Dealer. Oct 24 at 4 at office of Wells, South sq, Gray's inn
Robertson, George, Enfield, Bootmaker. Oct 30 at 12 at office of Plunkett and Leader, St Paul's churchyard
Robinson, William, Harrow rd, Paddington, Fruiterer. Oct 25 at 12 at office of Morris, Mitre ct, Temple
Rushmer, Charles Henry, Gt Yarmouth, Watchmaker. Oct 22 at 12 at office of Linklater and Co, Walbrook. Wiltshire, Gt Yarmouth
Santley, William, and John Evans, Liverpool, Provision Merchants. Oct 26 at 2 at office of Knowles, Cook st, Liverpool
Sayer, Henry Alexander, Stockwell Green, Provision Dealer. Oct 20 at 11 at Masons' Hall Tavern, Masons' avenue. Waring, Gresham bldgs, Basinghall st
Shaw, Samuel Jonathan, Swinton, York, Boot Dealer. Oct 25 at 3 at office of Hickmott, Moorgate st, Rotherham
Shepherd, William, Leamington Priors, Warwick, Music Professor. Oct 29 at 11 at office of Boddington, High st, Warwick
Shuttleworth, John, Heywood, Lancaster, Cotton Manufacturer. Oct 23 at 4 at office of Addleshaw and Warburton, Norfolk st, Manchester
Siddall, Thomas, Shaw, Lancaster, Ironfounder. Oct 26 at 3 at office of Watson, Church lane, Oldham
Smallman, Benjamin, Royal Leamington Spa, Warwick, Builder. Oct 24 at 3 at office of Russell and Blaker, Church ter, Royal Leamington Spa
Smethurst, Richard, Middleton, Lancaster, Licensed Victualler. Oct 26 at 3 at office of Grundy and Co, Princess st, Manchester
Solomon, Edward, Oxford Mansions, Oxford st, Musical Composer. Oct 29 at 3 at office of Davis, Craig's ct, Charing Cross
Solomon, Samuel, Brighton, Pawnbroker. Oct 30 at 3 at office of Cockburn, Duke st, Brighton
Southall, Jemima, Oldswinford, Worcester, out of business. Oct 24 at 3 at office of Waldron, Brierley Hill
Sowry, William Wellington, Leeds, Cloth Merchant. Oct 25 at 3 at office of Schofield, Wellington bldgs, Huddersfield. Rider, Leeds
Stevens, Edmund Matthew, Eastbourne, Mineral Water Manufacturer. Oct 23 at 12 at 64a, Terminus rd, Eastbourne. Edgeworth, Eastbourne
Suttill, George, Scarborough, Mason. Oct 19 at 3 at office of Richardson, Queen st, Scarborough
Taylor, Henry Joshua, Millom, Cumberland, Greengrocer. Oct 24 at 1 at Shaw's King's Head Hotel, Broughton in Furness. Dickinson, Broughton in Furness
Thompson, William John, Newcastle upon Tyne, Coal Merchant. Oct 29 at 3 at office of Dix and Warlow, Northern Assurance bldgs, Collingwood st, Newcastle upon Tyne
Warren, Samuel, jun, Daventry, Northampton, Licensed Victualler. Oct 29 at 11 at office of Burton and Willoughby, High st, Daventry
Watts, William, Birmingham, Boot and Leather Merchant. Oct 25 at 2 at Grand Hotel, Colmore row, Birmingham. Buller and Co. Birmingham
Welch, George, sen, Ampthill, Bedford, Builder. Oct 31 at 2.30 at George Hotel, Bedford. Tanqueray
Westcott, Ebenezer George, Boscombe, nr Bournemouth, Hants, Ironmonger. Oct 24 at 3 at office of Trevanion, Arcade, Bournemouth
Williams, William, Cardiff, Glamorgan, Builder. Oct 25 at 11 at office of Jones, Duke st, Cardiff
Winterson, Charles Self, Bristol, Brass Founder. Oct 25 at 1.30 at Queen's Hotel, New st Railway Station, Birmingham. Miller, Bristol
Wright, John, Harrogate, York, Coach Builder. Oct 25 at 2 at Queen's Hotel, Wellington st, Leeds. Richardson and Byron, Harrogate
Wright, John Fryer, Darlington, Durham, Beerhouse Keeper. Oct 26 at 10 at office of Barron, High row, Darlington

TUESDAY, Oct. 16, 1883.

Alexander, James Carnegie, and William Petrie Alexander, Drapers' gardens Merchants. Nov 7 at 2 at Guildhall Tavern, Gresham st. Montagu, Bucklersbury
Anson, John, Gt Grimsby, Lincoln, Grocer. Nov 8 at 11 at office of Grange and Wintringham, St Mary's chbrs, West St Mary's gate, Gt Grimsby
Badcock, Richard, Berghapton, Norfolk, Farmer. Nov 2 at 12 at office of Emerson, Rampant Horse st, Norwich
Baldwin, Thomas James, Hedgerley, Buckingham, Farmer. Oct 30 at 2.30 at Chequers Inn, High st, Uxbridge. Edridge, Staple inn

Barham, Frederick William, Mare st, Hackney, Ham Dealer. Nov 2 at 12 at Masons' Hall Tavern, Masons' avenue, Basinghall st. Fulcher, Charles sq, Hoxton
Barnes, William Jacob, Rainham, Essex, Chemist. Nov 6 at 3 at office of Clapham and Fitch, Bishopsgate Without
Battison, John, Headingley, nr Leeds, Coach Builder. Oct 29 at 3 at office of Blacklock, Albion st, Leeds
Bishop, Henry, Disraeli rd, Putney, Builder. Oct 21 at 3 at Inns of Court Hotel, High Holborn. Spencer and Co, 6t James st, Bedford row
Bosworth, Robert Rowland, and Harriet Bosworth, Surbiton rd, Surrey, Coal Merchants. Oct 26 at 12 at office of Rastrick, Walbrook
Broad, Albert, Longton, Stafford, Watchmaker. Oct 26 at 11.30 at office of Robinson, King st, Longton
Brook, Joseph Tasker, Pontefract, Fishmonger. Oct 29 at 3 at office of Foster and Raper, Ropergate, Pontefract
Challinor, Edwin, St Helens, Lancaster, Grocer. Nov 2 at 3 at office of Oppenheim, Hardshaw st, St Helens
Chaplin, John Robertson, and Frederick George Chaplin, King st West, Hammersmith, Fishmongers. Nov 1 at 3 at office of Indermaur and Clark, Devonshire ter, Marylebone
Chapman, William, Ripon, York, Innkeeper. Oct 29 at 3 at office of Whitham and Owen, Market pl, Ripon
Cohen, Jacob, Ball's Pond rd, Islington, Picture Dealer. Oct 29 at 2 at office of Chinery and Co, Fenchurch st
Cook, George, Sevenoaks, Plumber. Oct 31 at 12 at office of Sole and Co, Aldermanbury. Cripps, Tunbridge Wells
Cope, Ann Maria, Tunstall, Stafford, Grocer. Oct 29 at 3 at office of Salt, Market st, Tunstall
Davey, George Frederick, Cassland rd, South Hackney, Draper. Oct 30 at 10.38 at office of Godfrey, Chancery lane
Davis, Charles, East Stonehouse, Devon, Brush Dealer. Oct 26 at 11 at office of Square and Co, Bank of England chbrs, Plymouth
Devereux, Charles John, Goswell rd, Builder. Nov 5 at 2 at 54, Fenchurch st. Jennings and Son, Leadenhall st
Dickinson, William Gifford, Manchester, Butcher. Oct 29 at 11 at office of Crofton, Brazennose st, Manchester
Edwards, David Humphreys, Pembroke, Plumber. Oct 23 at 12 at 2, Water st, Pembroke Dock. Brown, Pembroke Dock
Flee, George, East Teignmouth, Devon, Lodging-house Keeper. Oct 24 at 3 at office of Tozer and Whitborne, Teignmouth
Fletcher, William Burman, Kingston upon Hull, Grocer. Oct 29 at 3 at office of Stead and Sibree, Bishop lane, Kingston upon Hull
Fothergill, Smart Atkinson, Haswell, Durham, Physician. Oct 29 at 3 at office of Bentham, Nile st, Sunderland
Fowler, Richard, Willenhall, Grinder. Oct 30 at 11 at office of Clark, New rd, Willenhall
Garlick, William Tanner, Bristol, General Haulier. Oct 29 at 12 at office of Tribe and Co, Albion chbrs, Broad st, Bristol. Beckingham, Bristol
Gill, Joseph, Keighley, Draper. Oct 30 at 3 at office of Spencer and Clarkson, North st, Keighley
Helliwell, William, Stansfield, York, Bobbin Manufacturer, Oct 31 at 2 at office of Creek and Sandy, Cliviger st, Burnley
Hodgkin, John Mason, Leicester, Builder. Oct 29 at 3 at office of Freer and Co, New st, Leicester
Hull, George Henry, Fonthill rd, Holloway, Grocer. Oct 24 at 3 at Guildhall Tavern, Gresham st. Andrews, Fenchurch st
Hunt, Alfred, Birmingham, Boot Dealer. Oct 27 at 11 at office of Pointon, Temple row West, Birmingham
Kemp, William, junr., Burwash, Surrey, Former. Nov 2 at 12 at Camden Hotel, Calverley rd, Tunbridge Wells, Cripps, Tunbridge Wells
Kent, George Edward, Fenchurch st, Hosier. Nov 1 at 3 at office of Davidson and Morriss, Queen Victoria st
Lawson, James, Blackburn, Tea Dealer, Oct 26 at 11 at office of Scott, Victoria st, Blackburn
Leasham, Frederick, Atkham, York, Market Gardener. Oct 26 at 11 at office of Dilcock, Market st, York
Lee, George Samuel, Cardiff, Photographer. Oct 26 at 3 at office of Tribe and Co, Cockherbtown, Cardiff. Ensor, Cardiff
Legg, Henry, and Samuel Legg, Corscombe, Dorset, Cattle Dealers. Oct 19 at 11 at office of Watts, Yeovil
Lewis, David Lloyd, Rhyl, Flint, Printer. Oct 31 at 11 at Queen's Hotel, Chester Sisson and George, Rhyl
McClure, John, Derby, Travelling Draper. Oct 30 at 11 at office of Thurman and Slack, Bath st, Ilkeston
Makin, James Henry, Sheffield, Ironmonger. Oct 25 at 12 at Law Society, Hoole's chbrs, Bank st. Pierson, Sheffield
March, Frederick Charles, Aldersgate st, Ticket Writer. Oct 23 at 3 at office of Buttler and Co, Moorgate st. Swaine, New Bridge st, Ludgate circus
Marshall, Robert, Lincoln, Butcher. Oct 29 at 11 at office of Durance, Mint lane, Lincoln
Mussared, Charles, London Wall, Jewellery Factor. Oct 30 at 1 Mason's Hall Tavern, Mason's avenue, Basinghall st. Few, Borough High st, Southwark
Mustill, James, Noethampton, Cabinet Maker. Oct 26 at 6.30 at office of Becke and Green, Derngate, Northampton
Nicholson, Edward, Lincoln, Chemist. Oct 29 at 3 at office of Toynbee and Co, Bank st, Lincoln
Nussbaum, David, Sandys row, Spitalfields, Butcher. Oct 31 at 3 at office of Cattlin, Wormwood st, Old Broad st
Ogden, Amos, Ashton under Lyne, Lancaster, Brass Founder. Oct 30 at 3 at King's Arms Hotel, Spring gardens, Manchester. Clayton and Wilson, Ashton under Lyne
Onions, James, Dudley, Worcester, Boat Loader. Oct 27 at 11 at office of Ward, Wolverhampton st, Dudley
Phillips, Elias, Swansea, Glamorgan, Licensed Victualler. Oct 29 at 3 at office of Evans and Davies, Wind st, Swansea
Reavell, George, Staines, Builder. Oct 27 at 11 at office of Minshull, Change alley, Cornhill. Scott, Cornhill
Rees, David, Drury lane, Provision Merchant. Oct 30 at 2 at office of Armstrong, Chancery lane
Richardson, John, Aston juxta Birmingham, Jeweller. Oct 29 at 3 at office of Jaques, Temple row, Birmingham
Rossiter, William, South Shields, Licensed Victualler. Oct 29 at 4 at office of Young, Russell st, South Shields
Russell, Isaac, West Bromwich, Stafford, General Dealer. Oct 29 at 10 at office of Ward, Wolverhampton st, Dudley
Sainsbury, George Saunders, Henry John Sainsbury, and William Edward Sainsbury, Devizes, Wilts, Coal Merchants. Oct 23 at 2 at office of Tribe and Co, Albion chbrs, Bristol. Murly and Co, Bristol
Sandall, Zachariah, jun, Penshurst, Kent, Butcher. Oct 26 at 4 at 30, Mount Pleasant, Tunbridge Wells. Buss, Tunbridge Wells
Saxton, Sarah Ann, Gee Cross, Chester, Beerseller. Oct 29 at 2 at office of Brooks and Co, Townhall chbrs, Ashton under Lyne
Sellen, William Henry, Pemberton, Lancaster, Coal Dealer. Oct 29 at 11 at office of France, Churchgate, Wigan
Shelton, Thomas, Hanchurch, Stafford, Butcher. Oct 27 at 11 at Compasses Inn, Newcastle under Lyme. James, Newcastle under Lyme
Spencer, William George, Vassall rd, Brixton, Watchmaker. Oct 31 at 3 at office of Aird, Brabant ct, Philpot lane
Spinks, Arthur James, Rhyl, Flint, Wine Merchant. Oct 29 at 12 at Blossoms Hotel, Foregate st, Chester
Steeds, Stephen, George Saunders Sainsbury, Henry John Sainsbury, and William Edward Sainsbury, Bristol, Coal Merchants. Oct 24 at 12 at office of Tribe and Co, Albion chbrs, Bristol. Murly and Co
Taylor, Thomas, Halstead, Essex, Farmer. Oct 31 at 3 at office of Jones, Townhall chbrs, Colchester
Temple, Jonathan, Goodramgate, York, Shoemaker. Oct 23 at 11 at office of Harrop, St Helen's chbrs, Davygate, York
Thompson, George, Chorlton on Medlock, Dairyman. Oct 30 at 3 at 79, Mosley st, Manchester. Grundy and Co
Throup, Joseph Laycock, Kildwick, York, Grocer. Oct 31 at 3 at office of Paget, Wilson's ct, Skipton
Tipping, Joseph, Wimbledon, Road Contractor. Nov 2 at 2 at office of Cannon and Terry, Wool Exchange, Coleman st
Tyndall, Timothy, Cinderford, Baker. Oct 27 at 12.30 at office of Henderson, Berkeley st, Gloucester
Ward, Danicl, Arnold, Nottingham, Plumber. Oct 29 at 11 at office of Truman, Poultry arcade, Nottingham
Watson, Thomas, Caythorpe, Lincoln, Horse Dealer. Oct 31 at 11 at George Hotel, George st, Nottingham. Durance, Lincoln
Watters, John Davis, Drapers' gardens, Stockbroker. Nov 6 at 12 at 2, Drapers' gardens. Savidge, Eastcheap
West, William, Rothwell, York, Hay Dealer. Oct 29 at 3 at Saracen's Head Hotel, Lincoln. Wood, Leeds
Wilson, Thomas Joseph, Birmingham, Licensed Victualler. Oct 26 at 2 at office of Hooper, Moor st, Birmingham

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